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LAKE LURE

LAND DEVELOPMENT PLAN

DECEMBER 1976

LAND DEVELOPMENT PLAN

LAKE LURE, NORTH CAROLINA

OCTOBER, 1976

LAND DEVELOPMENT PLAN
FOR THE
TOWN OF LAKE LURE, NORTH CAROLINA

PREPARED FOR:

Town of Lake Lure, North Carolina
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Claude R. Nelon, Commissioner
Avery T. Cashion, Commissioner
William D. Keller, Commissioner
Mary Ficker, Clerk
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PREPARED BY:

STATE OF NORTH CAROLINA, DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES
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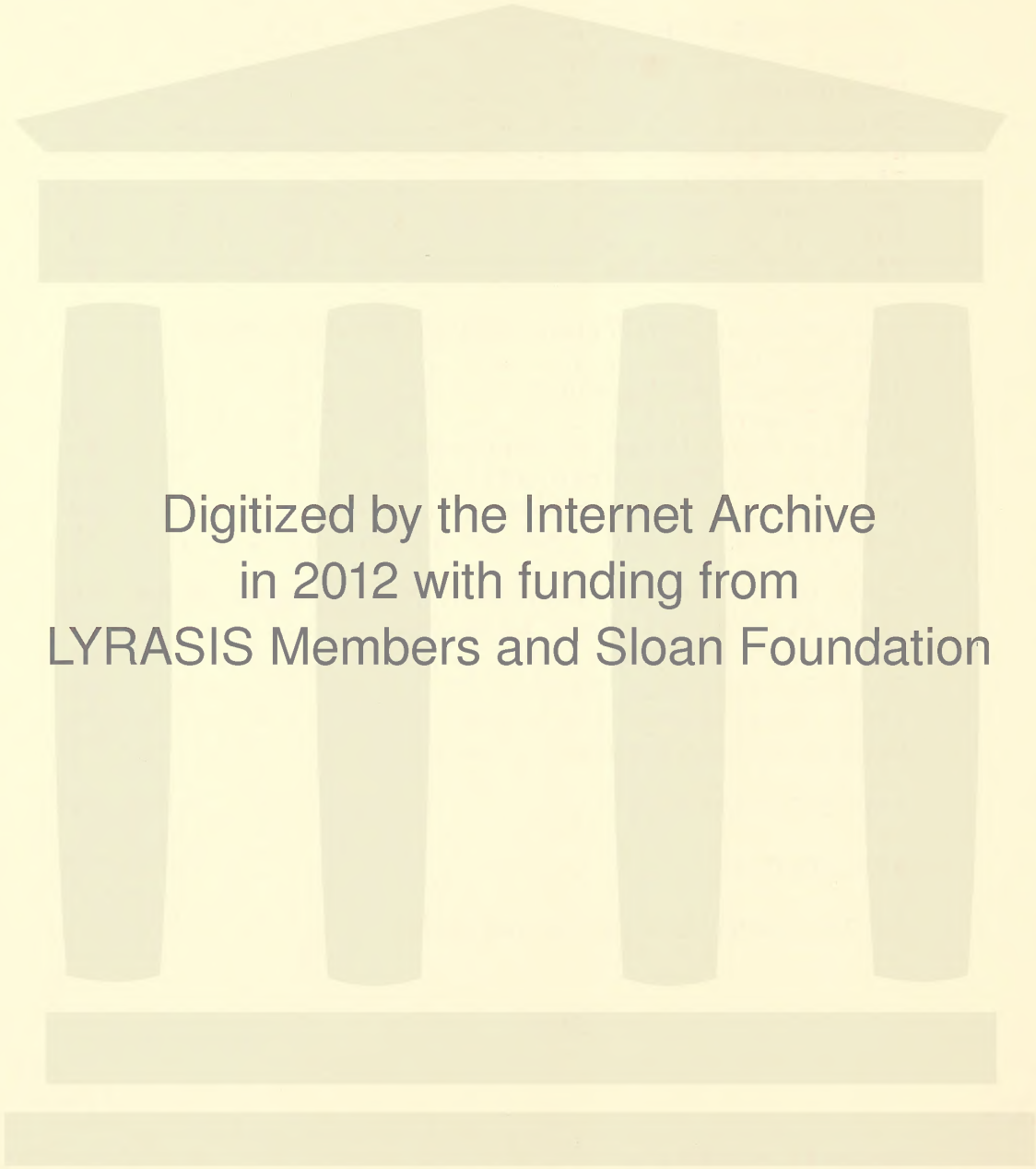
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CHAPTER I

INTRODUCTION

For the Town of Lake Lure to effectively and efficiently plan for the future, the officials of the Town and its citizens must have knowledge of a wide variety of existing conditions effecting the well-being of the community. The purpose of this report is to provide the necessary basic information on which decisions concerned with future growth may be based.

Change of some degree is inevitable and the choice is to give an acceptable form of direction and control to this change or to allow change to occur as it may with secondary consideration given to the general well-being of the Town and its citizens. The General Assembly of the State of North Carolina has granted to the governing bodies of the State's towns, cities and counties the right to exercise control over certain aspects of growth and development, if these governing bodies so desire.

However, to properly plan for the future and to exercise these controls over growth and development that are available, a town must compile a document of basic information on these aspects of the social, economic, political and physical characteristics of the community affecting future growth including an analysis of existing land use. With this set of basic information in mind, a Land Development Plan may be developed. A Land Development Plan is merely a suggested guideline for shaping the growth of a community or area to reflect the interests and well-being of the locality's citizenry. To develop such a plan, certain fundamental goals must guide those involved in its preparation. For the Town of Lake Lure the goals are as follows:

1. To provide the citizens of Lake Lure--both permanent and seasonal--with a quality environment for living, leisure activities and work.
2. To protect the natural resources of the Town and, consequently, the economic base of the community.
3. To enhance the efficiency and effectiveness of the Town's government in providing services and public utilities.
4. To suggest a land use pattern that will provide for the best possible interrelationship between residential, recreational and commercial activities.
5. To support quality development through sound development standards to enhance the desirability of Lake Lure as a resort, seasonal residence and permanent home.
6. To encourage planning for future growth through adoption of available controls for land use, building standards and environmental preservation.

With these goals in mind, this report is divided into four major parts culminating with a Land Development Plan and guide for implementing this Plan. Chapter II--Background for Planning--provides the physical data about the Town on which sound decisions about future growth may be based. Chapter III is concerned with historical, political, social and economic data. Chapter IV contains an analysis of existing land use, a review of suggested developmental policies, and the Land Development Plan. Chapter V is on implementing the Plan and lists the necessary procedures to insure its success.

Hopefully, this report will prove to be a constructive tool for use by the elected officials and citizens of Lake Lure. Its intent is not to direct but guide; to suggest a future land use pattern in the best interest of all those concerned with the Town of Lake Lure.

Analysis of Existing Plans, Policies and Regulations

The Town of Lake Lure at present has no plans, policies or regulations with which to guide the future use of land within the community, nor does the Town have in force any ordinances to insure adequate developmental standards.

CHAPTER II

BACKGROUND FOR PLANNING

Location and Setting

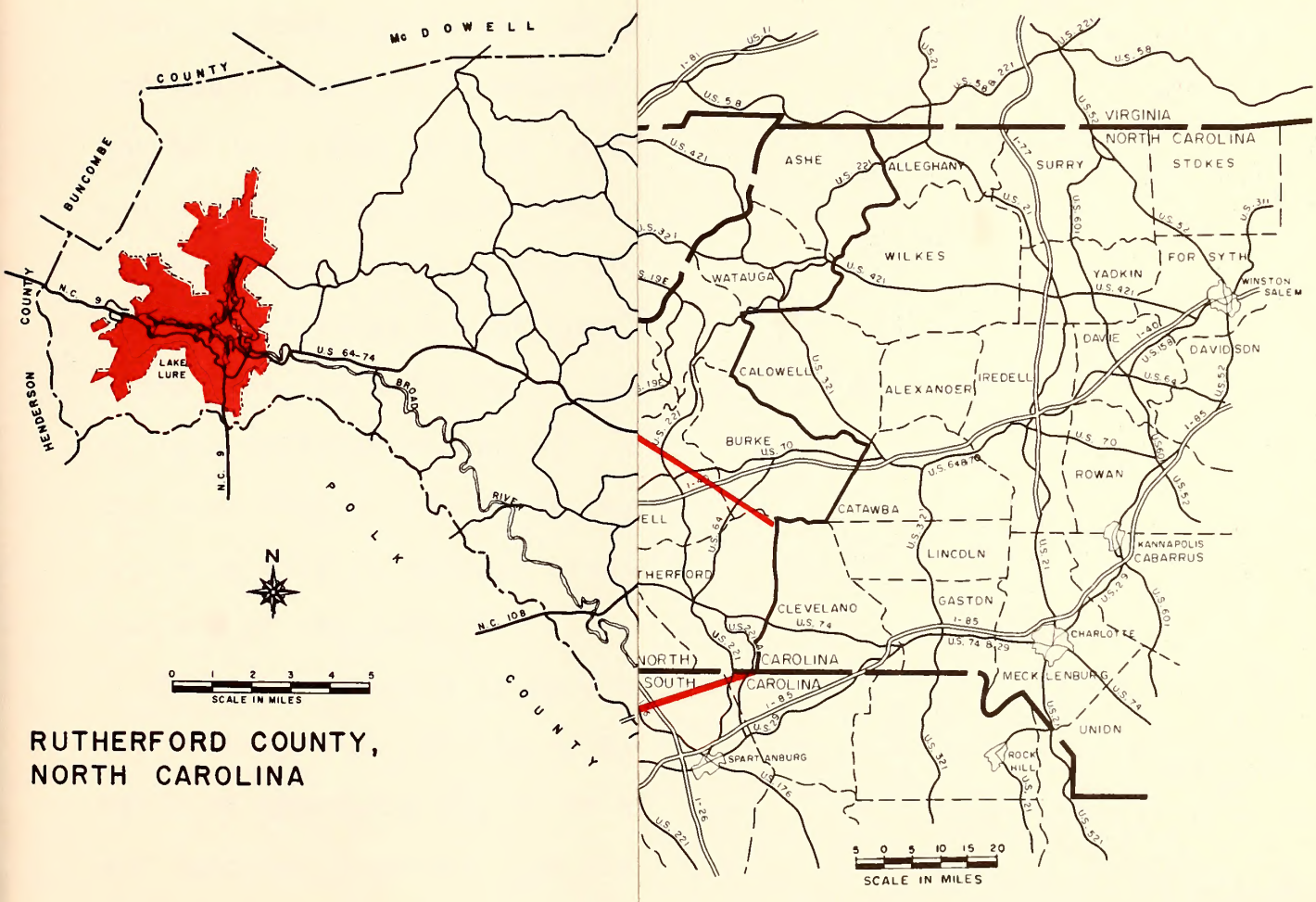
Lake Lure is located in the northwestern corner of Rutherford County which is best described as a Mountain Piedmont County (Map 1). The Town is in the mountainous part of the County some twenty miles from the County seat of Rutherfordton via U. S. Highway 64-74. The major population centers of the County lie well to the southeast of the Town beyond Rutherfordton in and around Spindale and Forest City. Buncombe, Henderson and Polk Counties and the major population centers of these counties are as accessible by automobile as are the Piedmont towns of Rutherford County.

Town/City	Highway Mileage	U. S. Highway
Rutherfordton	16	U. S. 64-74
Spindale	18	U. S. 64-74
Forest City	20	U. S. 64-74
Hendersonville (Henderson County)	21	U. S. 64-74
Asheville (Buncombe County)	28	U. S. 64-74
Columbus (Polk County)	15	U. S. 64-74 N. C. 9 and 108

As a resort or recreation community, Lake Lure is ideally located on a major thoroughfare in an area of great natural beauty. The State's largest city--Charlotte--is only about 70 miles away.

REGIONAL SETTING MAP

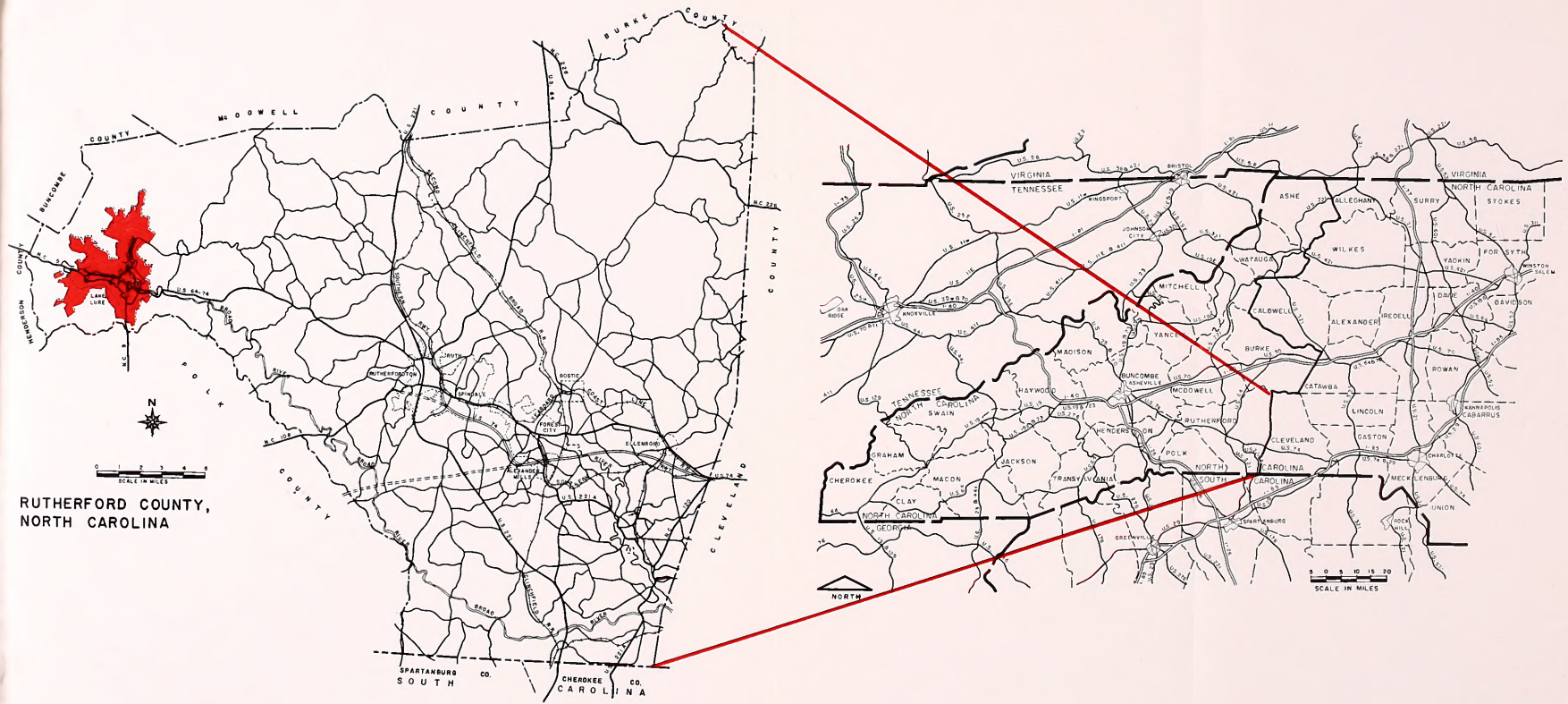
MAP 1



RUTHERFORD COUNTY,
NORTH CAROLINA

REGIONAL SETTING MAP

MAP 1



RUTHERFORD COUNTY,
NORTH CAROLINA

Two airports handling regularly scheduled flights are less than an hours drive away--Asheville/Hendersonville and Greenville/Spartanburg, South Carolina.

Topography

The topography of Lake Lure is mountainous. Slopes are mostly steep with relatively little level land within the corporate limits. Mostly level or gently rolling terrain is found at the Town's commercial center, at the tip of the Lake's northern arm and south along N. C. Highway 9 from its junction with U. S. Highway 64-74. Only limited areas of land without excessive slope are available for development along U. S. Highway 64-74.

The normal level of the Lake is at 992 feet above sea level. The highest point in the Town Limits is Rumbling Bald Mountain which rises to 3,020 feet. Youngs Mountain is 2,730 feet high while heights in excess of 3,800 feet are in close proximity to the Town Limits. Relative relief, therefore, is spectacular as the mountains in certain areas rise over 2,000 feet above the surface of the Lake.

The Lake occupies in part the valley of the Broad River and its tributaries. The Broad River's headwaters form a drainage basin of approximately 1,503 square miles and extend into Henderson and Buncombe Counties. As the River flows west to east through the Town, it drops over 100 feet. Flooding is not a significant problem on the Broad River in this area due to this gradient and the River's steep banks. Flash floods on small streams do occur and isolated problems are caused by run-off from some of the steeply sloping secondary roads and home sites.

Map 2 is a topographic map of the area within the corporate limits of Lake Lure.

Soils

Soil analysis is useful in guiding development, in guiding the location of major buildings and in alerting builders to potential problems. Certain soil groups or associations impose limitations on development. Those involved in planning and developing the Town should be aware of these limitations.

The soil associations found in the Town are shown on Map 3. Their distribution is generalized on this Map and the Rutherford County Soil Conservationist should be consulted for a more detailed interpretation.

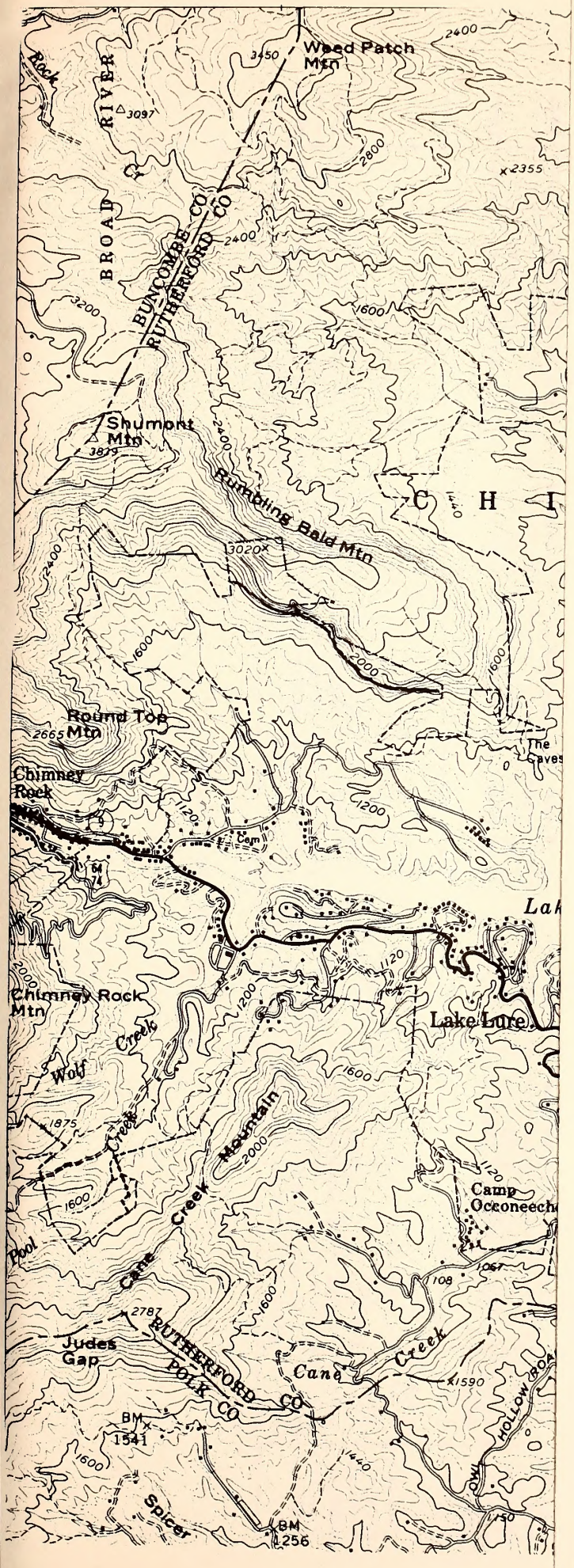
The two general soil associations found in the Town are as follows:

1. Pacolet-Madison-Wedowee Association

These soils are well drained lying on narrow ridge tops and strongly sloping to moderately steep side slopes. The limiting factor of these soils is the severity of the slope. A significant amount of development has occurred on this soil association.

Slopes of this soil association are mostly in the range of 10 to 25 percent.

Pacolet soils make up about 60 percent of this association. They are moderately deep, well drained soils occurring throughout the association. These soils have brownish yellow sandy loam surfaces and thin red clayey subsoils. They are formed from the weathering of granite and gneiss rocks and are underlain by hard rocks at depths of 4 to 10 feet or more.



TOPOGRAPHICAL MAP

MAP 2

Map 2 is a topographic map of the area within the corporate limits of Lake Lure.

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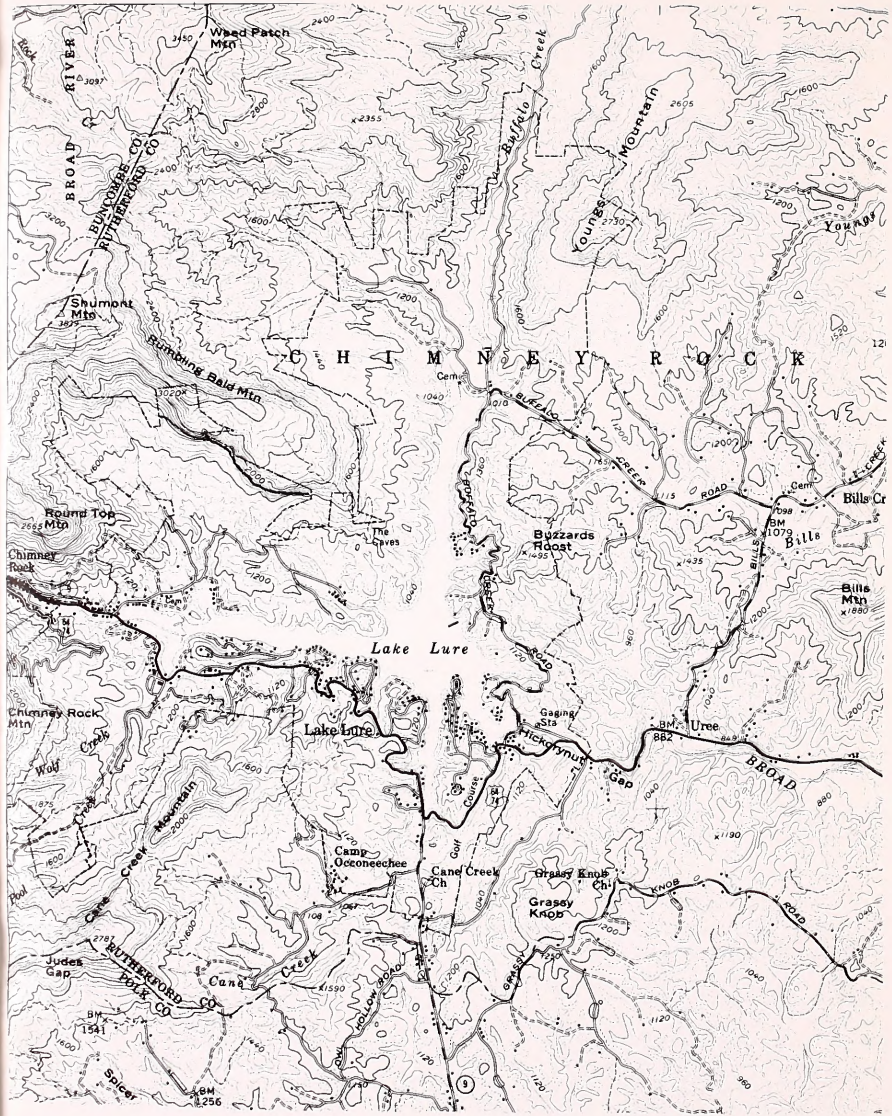
Slopes of this soil association are mostly in the range of 10 to 25 percent.

Pacolet soils make up about 60 percent of this association. They are moderately deep, well drained soils occurring throughout the association. These soils have brownish yellow sandy loam surfaces and thin red clayey subsoils. They are formed from the weathering of granite and gneiss rocks and are underlain by hard rocks at depths of 4 to 10 feet or more.



TOPOGRAPHICAL MAP

MAP 2

TABLE 1

SOIL ASSOCIATIONS

Soil Assn.	Soil Series	Percent in Assn.	Slope Range	Sewerage Systems	Septic Tank Filter Fields	Camp Sites	Picnic Areas	Intensive Play Areas	Light Ind.1/	Rds. & Streets2/	Gen. Agr.	Woods
1. Pacolet-Wedowee (50% of County)	Pacolet	60%	10-25%	Moderate Sl	Moderate to Severe Perc, Sl	Severe Sl	Moderate Sl	Severe Sl	Severe Sl	Moderate Sl, Traf	Fair	Good
	Madison	15%										
	Wedowee	10%										
2. Hayesville-Saluda-Ashe (20% of County)	Hayesville	60%	25-40%	Severe Sl	Severe Sl	Severe Sl	Severe Sl	Severe Sl	Severe Sl	Severe Sl,Traf	Poor	Good
	Saluda	20%	35-60%	Severe Sl, R	Severe Sl, R	Severe Sl	Severe Sl	Severe Sl	Severe Sl, R	Severe Sl, R	Poor	Fair
	Ashe	10%	35-60%	Severe Sl, R	Severe Sl, R	Severe Sl	Severe Sl	Severe Sl	Severe Sl, R	Severe Sl, R	Poor	Fair

Abbreviations for Limiting Factors:

Traf - Trafficability
R - Rock
Perc - Percolation Rate
Sl - Slope

1/ Structures whose footings are in subsoil

2/ Refers to roads and streets that have subsoil for base

Source: U.S. Department of Agriculture
Soil Conservation Service

Madison soils make up about 15 percent of this association. They are moderately deep to deep, well drained soils. Madison soils have a brown or yellowish brown gravelly sandy loam surface and thin red clayey subsoils. They are formed from the weathering of micaceous schist and gneiss rocks and are underlain by hard rocks at depths of 3 to 10 feet or more.

2. Hayesville-Saluda-Ashe Association

These soils are well drained or somewhat excessively drained lying on steep and very steep mountains. The limiting factors of these soils are severe slopes and shallow depth to bedrock.

Slopes are mostly in the range from 25 to 60 percent.

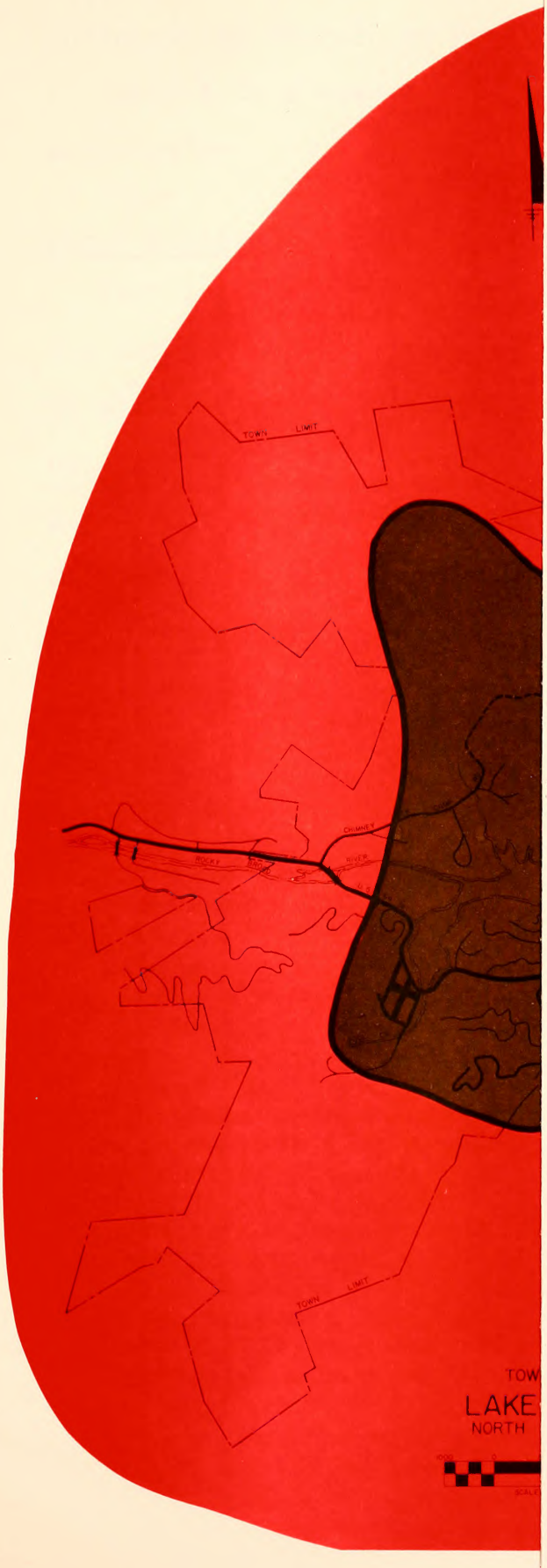
The Hayesville soils make up about 60 percent of this association. These soils are located on the broader ridge tops and smoother side slopes in the association. Hayesville soils are deep, well drained soils, with reddish brown loamy surfaces and red clayey subsoils. They are formed from the weathering of granite and gneiss rocks and are underlain by bedrock at depths of 4 to 10 feet or more.

Saluda soils make up about 20 percent of this association. These soils are located on narrow ridge tops and the more uneven side slopes. Saluda soils have dark brown loamy surfaces and thin yellowish red sandy clay loam subsoils. They are formed from the weathering of granite and gneiss rocks and are underlain by bedrock at depths of 2 1/2 to 6 feet.

Ashe soils make up about 10 percent of this association. The soils are located on the narrowest ridge tops and steepest, roughest slopes in the association. These soils have grayish brown

GENERAL SOILS MAP

MAP 3



HAYESVILLE, SALUDA, ASHE

PACOLET, MADISON, WEDOWEE

GENERAL SOILS MAP

MAP 3

HAYESVILLE, SALUDA, ASHE

PACOLET, MADISON, WEDOWEE

sandy loam surfaces and thin yellowish brown sandy loam subsoils. They are formed from the weathering of granite and are underlain by bedrock at depths of 2 to 6 feet.

Table 1 is a summary of information about the above two soil associations.

Water Quality

Lake Lure is formed by an artificial dam on the Broad River. The Lake is approximately 1,500 acres in size with approximately 27 miles of shoreline. The quality of the Lake's water has been the subject of numerous tests and quality evaluation. The Water Quality Section of the N. C. Department of Natural and Economic Resources has the following to say as a summary of their efforts in monitoring the quality of the water in Lake Lure:

> The waters of Lake Lure bear a Class "B-Trout" classification, as assigned by the Environmental Management Commission, from the confluence with Pool Creek as an upstream point to the dam formerly owned by the Carolina Mountain Power Company as a downstream point. Therefore, the waters are protected not only for survival and propagation of trout, but also for bathing and water contact sports.
>
> A 0.2 MGD extended aeration wastewater treatment facility was constructed by the Town of Lake Lure in 1970 to treat sewage generated by a summer population of approximately 15,000 persons and a permanent population of approximately 750 persons. This treatment facility was to collect wastewater from an existing sewerline constructed in the 1920's; 12.6 miles of which lie on the bottom of the lake. The facility has not yet been placed into operation due to excessive infiltration/inflow experienced with this collection system.
>
> Lake studies were conducted by this Division's Water Quality Section from April 2, 1973, to May 16, 1973, and from June 9, 1976, to July 9, 1976. The studies were conducted to determine, in part, the Fecal Coliform concentration within the lake with respect to Water Quality Criteria. Fecal Coliform is an indication as to whether or not pathogenic bacteria

is present. The studies revealed that there are no Water Quality problems present in Lake Lure as a result of the discontinuities in the Town's collection system. State regulations require, however, that this wastewater treatment facility be placed into full operation in accordance with Permit conditions; therefore, efforts are currently progressing to locate and correct the infiltration/inflow problem areas.

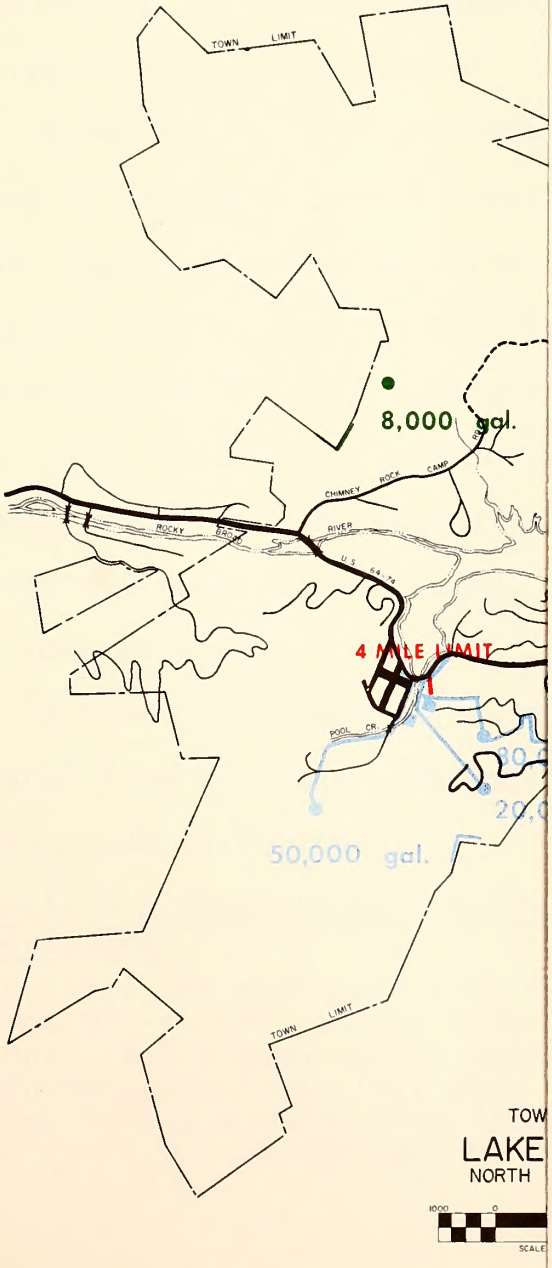
The Broad River watershed covers an area of approximately 1,503 square miles; 90 percent of which is in Rutherford County. Secondary streams feeding the Broad River and Lake Lure within the corporate limits are Rock Creek, Pool Creek, Cane Creek and Buffalo Creek. Buffalo Creek has been designated as "Mountain Trout Waters" and is stocked by the N. C. Wildlife Resources Commission.

The Town is served in part by a Town owned water system drawing water from three wells with a capacity of 18, 50 and 75 gallons per minute respectively. Four reservoirs (164,500 gallons total capacity) are maintained as a part of this system which serves the area from Camp Chimney Rock to Snug Harbor (Map 4). This water is metered to users with a minimum charge of $4.00 per month. There are at least four other high capacity wells--privately owned--in the Town Limits exclusive of those serving individual homes and one other reservoir (8,000 gallons). The Country Club of the Mountains maintains a central water system drawing from wells for its facilities and residences. Two reservoirs (10,000 gallons and 100,000 gallons) are a part of this system.

Because of the nature of the development of the Town and because of the small year-round population, the construction of a Town-wide water system does not appear to be economically sound

WATER SYSTEM WITH PROPOSED FIRE STATION LOCATION

MAP 4



- EXISTING WATER LINES
- TOWN OWNED WELLS
- TOWN OWNED RESERVOIRS
- PRIVATE OWNED RESERVOIRS
- PROPOSED FIRE STATION AND JURISDICTION LIMITS

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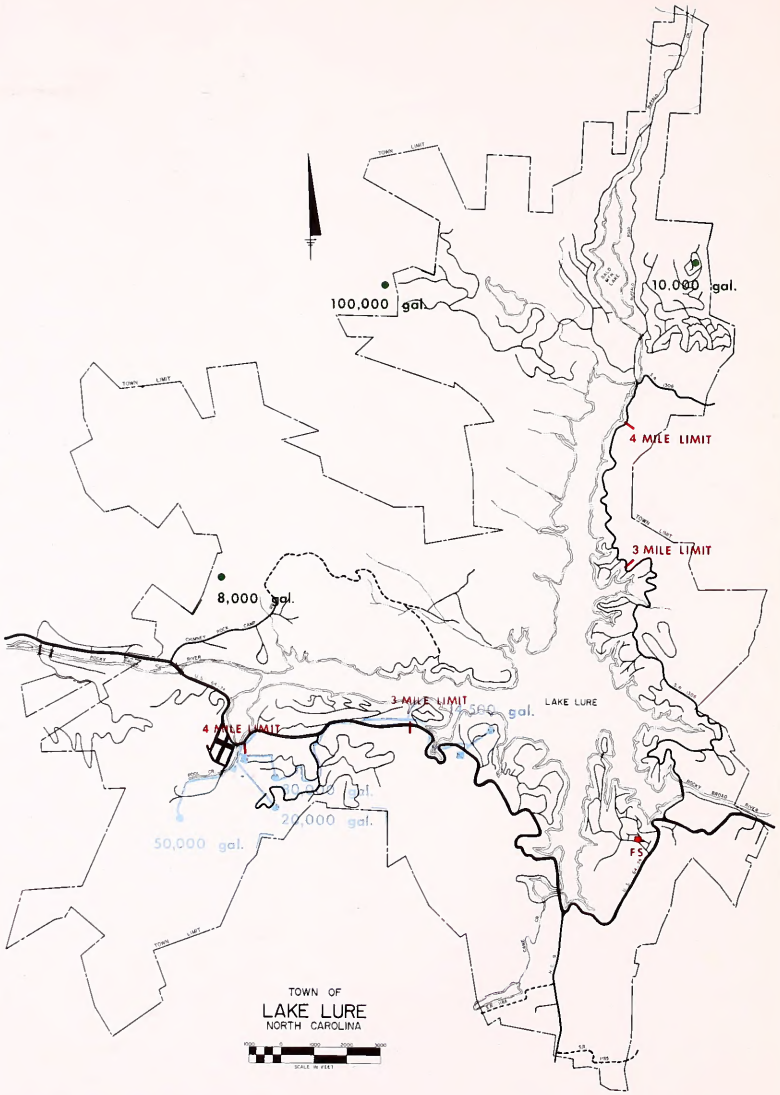

WATER SYSTEM WITH PROPOSED FIRE STATION LOCATION

MAP 4

- EXISTING WATER LINES
- TOWN OWNED WELLS
- TOWN OWNED RESERVOIRS
- PRIVATE OWNED RESERVOIRS
- PROPOSED FIRE STATION AND JURISDICTION LIMITS

at present. However, if large scale, concentrated development should occur in a given area around the Lake, then a central water system should be considered for this development.

Fire Protection

Adequate fire protection for the Town is a problem presently being worked on by Town Officials and concerned citizens. The Town is presently planning to build a fire station on Town-owned property near the golf course. This location would provide a 9A rating for an area containing 52 percent of the Town's buildings or structures (Map 4).

Volunteer fire departments within municipalities with a water system generally have a 9 rating, rural county fire departments and towns with limited water supplies from hydrants generally have a rating of 9A or 9AA, and unprotected areas generally have a rating of 10. The rating of a fire department directly relates to the cost of fire insurance; the lower the rating, the lower the cost of fire insurance. Departments may provide service within a three mile area or, with certain additional equipment, a four mile area.

A list of minimum standards for apparatus and equipment, as taken from a booklet published by the Fire Insurance Rating Bureau, are as follows:

Grade 9-A Communities: Minimum Standards for Apparatus and Equipment

At least one motorized fire truck equipped with a water tank of from 300 to 500 gallons capacity (maximum acceptable 1,000 gallons), and a pump with a capacity of at least 60 gallons per minute against not less than 120 pounds-per-square-inch pressure when taking suction from tank. This is a minimum but a pump of at least 300 gallons per minute at 120 p.s.i. is recommended.

Two booster reels, each with 150 feet of 1-inch rubber booster hose, kept connected to pump with combination fog and straight stream nozzles (shut off type) attached to each.

NOTE 1: When high pressure pump is provided, 3/4 inch hose may be used.

NOTE 2: In place of one of the booster hose reels above, one preconnected line of 150 feet of 1 1/4 inch standard fire department hose with 100 feet in reserve carried on the pumper, with combination fog and straight stream shut-off nozzle may be used. When this substitution is made, pump capacity shall be increased to not less than 150 gallons-per-minute at 120 pounds-per-square-inch pressure.

One 24-foot extension ladder.

One 12-foot roof ladder.

One 10-foot pike pole.

One axe.

One claw tool (30-inch minimum).

One crowbar.

Two electric fire department lanterns (6-volt minimum).

100 feet of 5/8 inch Manila rope.

Two 5-gallon hand pump tanks of the knapsack type.

One 2 1/2 gallon extinquisher suitable for oil fires and two small extinquishers suitable for electrical fires.

Four 12-quart buckets and two scoop shovels.

Grade 9-AA Communities: Minimum Standards for Apparatus and Equipment

At least one approved motorized fire department pumper with a tested pumping capacity of at least 500-gallons-per-minute at not less than 150 pounds-per-square-inch net pumping pressure when operating from draft and equipped with water tank of not less than 300 gallons, and preferably not more than 500 gallons, (maximum acceptable 1,000 gallons).

One or two booster reels, each with 150 feet of 1-inch rubber booster hose connected to the pump and with combination (fog and straight stream) nozzles attached.

500 feet of 2 1/2 inch standard fire department hose.

300 feet of 1 1/2 inch standard fire department hose with at least one line of 150 feet preconnected to the pump.

One 2 1/2 inch shut-off nozzle with 1-inch tip (preferably a combination fog and straight stream nozzle).

Two 1 1/2 inch combination fog and straight stream nozzles of the shut-off type.

Two 10-foot sections of 4 1/2 inch hard rubber suction hose with strainer.

NOTE--Where distance from pumper suction to water may exceed 20 feet, additional suction hose should be provided.

One 2 1/2 inch x 1 1/2 inch grated wye.

Six spinner wrenches.

One fire department type extension ladder, to extend 24 feet, and if higher buildings are in protected area, to extend 35 feet.

One 12-foot ladder, one axe, one claw tool (30-inch minimum), one crowbar and one 10-foot pike pole.

Two 5-gallon hand pump tanks of the knapsack type.

One fire extinguisher suitable for oil fires.

Two small fire extinguishers suitable for electrical fires.

Two scoop shovels.

Four 12-quart buckets.

125 feet of 5/8 inch Manila rope and 2 electric fire department lanterns (6-volt minimum).

Fire protection at present is provided by a central County fire service with a single phone number located in Rutherfordton, over 16 miles away. A volunteer fire department is being equipped in the Bill's Creek area that could serve the northern part of the Town (Country Club of the Mountains). The Hickory Nut Gorge Volunteer Fire Department serves Chimney Rock and could serve

the western part of Lake Lure in an emergency. The need for fire protection in the Town is clearly indicated.

The Sewer System

The sewage collection system which lies on the bed of the Lake is sufficient for full development of the Lake Lure area (Map 5). This system was built during the 1920's as part of the original development of Lake Lure. In 1966, the Town issued revenue bonds and purchased the sewer system along with the Lake, the dam and the accompanying power generating facility. Through the years sewage was collected by this under-lake system and dumped raw into the Broad River below the dam. During the 1960's the Town was informed that such dumping was unlawful. A sewage treatment facility was built and turned over to the Town in 1971.

During construction of the treatment facility, the main sewer line (20 inches diameter) that runs through the dam was closed off to tap into the 8 inch line that runs into the treatment plant. When the flow through the 20 inch line was started again an increase in discharge existed of such magnitude as to exceed the 250,000 gallons a day capacity of the treatment plant.

This additional and excessive discharge is caused by Lake water entering the sewer system at a point or points unknown. Several attempts have been made to find the leak or leaks so that the legally required treatment plant could be used. These efforts have been unsuccessful.

This problem is of on-going concern to the Town and funds have been obtained for additional studies. Only treated sewage is entering the system that, as yet, empties into the Broad River. This is perhaps the major short term problem facing the Town.

SEWER SYSTEM

MAP 5

EXISTING SEWER LINES

MANHOLES

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SEWER SYSTEM

MAP 5

EXISTING SEWER LINES

MANHOLES

Climate

The climate is an important factor in the economic and physical development of an area or community. The climate of Lake Lure played an important part in its growth as a resort and continues to influence the pattern of land use in the Town.

Table 2 shows a wide range of climatic data compiled from U. S. Department of Commerce sources for Lake Lure and surrounding areas.

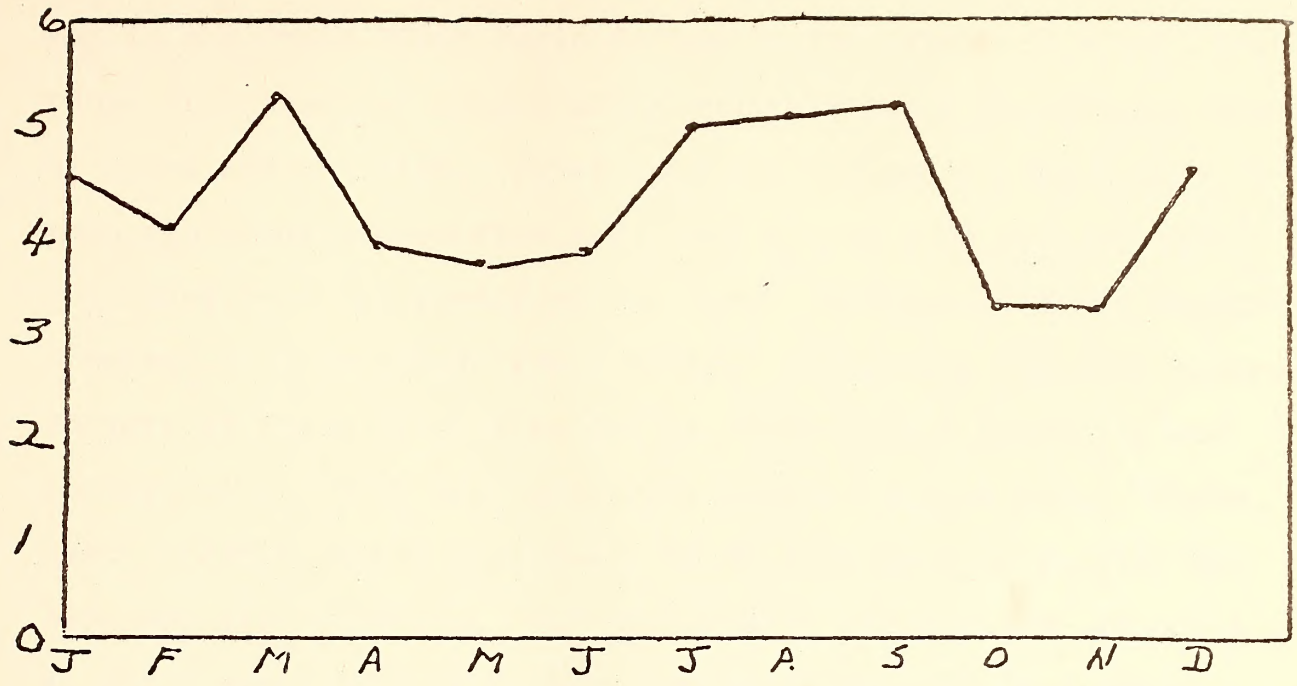
TABLE 2

Average January Temperature	42-44 degrees
Average July Temperature	76-78 degrees
Mean Maximum Temperature (January)	50-54 degrees
Mean Maximum Temperature (July)	84-86 degrees
Mean Minimum Temperature (January)	28-32 degrees
Mean Minimum Temperature (July)	60-64 degrees
Average Date of Last Freeze	April 11 - April 21
Average Date of First Freeze	Oct. 20 - Oct. 30
Average Number of Freeze Free Days	190-210 days
Average Annual Snowfall	6 - 8 inches
Average Annual Precipitation	64 - 72 inches
Mean Number of Days with 0.01 inches of Precipitation	120 - 140 days

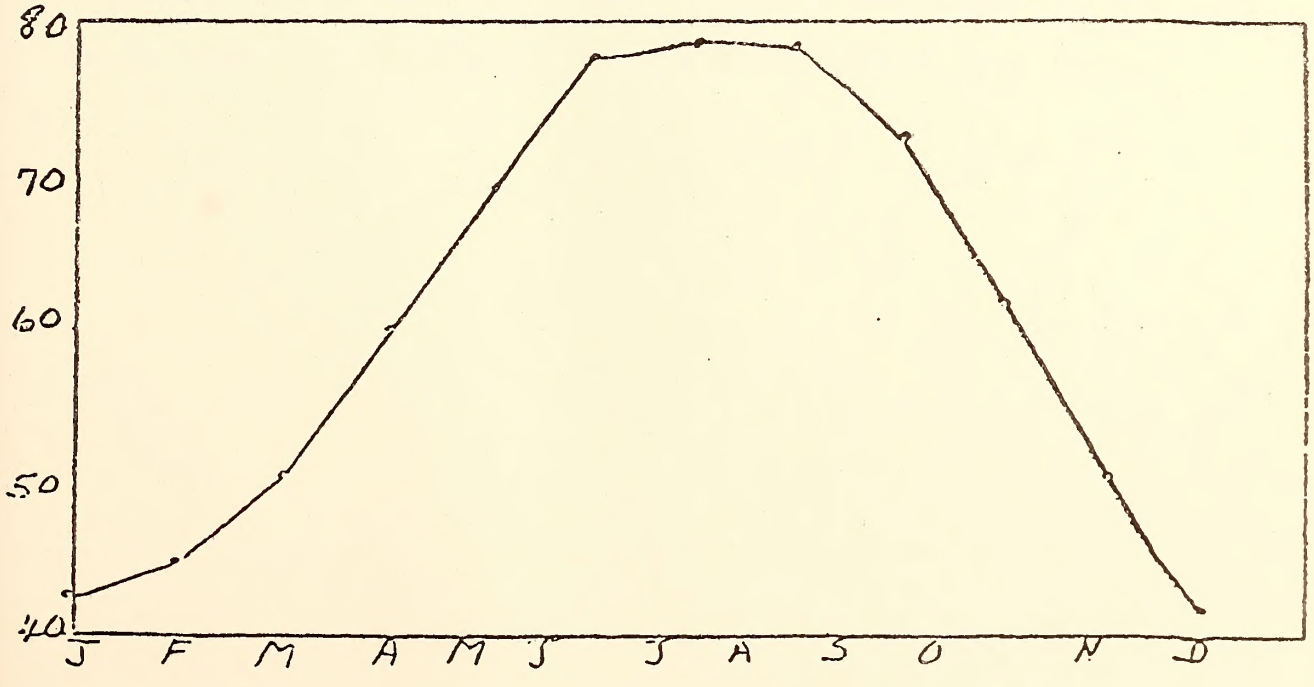
Table 3 shows that the maximum average monthly precipitation occurs in late summer from August into September. Average monthly temperatures peak during July and August.

TABLE 3

WEATHER SUMMARY



AVERAGE MONTHLY PRECIPITATION



AVERAGE MONTHLY TEMPERATURE

Source: U.S. Department of Commerce.

Fish and Wildlife

A large variety of fish and game are available to the sportsman in the Broad River Basin including the Lake Lure area. Fish range from the much sought after mountain trout to numerous species of sport and pan fish. Several of the streams in the higher mountain areas surrounding Lake Lure are of such quality that they have been designated by the North Carolina Wildlife Resources Commission as "Mountain Trout Waters". The Lake contains a large variety of fresh water fish and is fished quite generally and successfully. Fish most generally caught include trout, bream, bass, crappie, perch and pike. Rough fish such as catfish and carp are also numerous. All sections of the area are abundant in small game, such as rabbit, squirrel, raccoon, and opossum, along with the fur bearers, such as muskrat and mink which are trapped extensively. Some bear and deer are found in the more remote areas of Rutherford County surrounding Lake Lure.

CHAPTER III

HISTORICAL, POLITICAL AND SOCIO-ECONOMIC CONSIDERATIONS

Historical Background

The Town of Lake Lure was created by an act of the General Assembly of the State of North Carolina in 1927. The Town's corporate limits were established by the General Assembly as follows:

> That the corporate limits of said town shall embrace all of the lands in Rutherford County which have been heretofore conveyed to Chimney Rock Mountains, Incorporated, as shown by the records in the office of the register of deeds in said county at this time, and also all such lands in said county as have heretofore been conveyed to the Chimney Rock Scenic Company as shown by the records in the office of said register of deeds at this time, and also all such other lands in said county as are entirely surrounded by the lands hereinbefore described; also the following tract of land, to wit: That certain tract owned and occupied by Walter McCurry and which is bounded on the east, south and west by the lands of Chimney Rock Mountains, Incorporated, and on the north by the lands of the Bald Mountain Land Company and containing about forty acres. (Chapter 176 - G.S. Acts of 1927)

As a result of this legislation over 8,000 acres of land--including a lake of approximately 1,500 acres--became a town.

Development in the Lake Lure area was part of the so-called "land boom" that occurred in certain areas of Western North Carolina during the 1920's. The principal developers of Lake Lure--Chimney Rock Mountains, Incorporated, and Chimney Rock Scenic Company--subdivided land along the Lake, built a hotel of sizeable proportions, and built what in contemporary language would be a shopping center. The Lake was formed by building a concrete dam on the Broad River. Development also included a sewer system laid along the bottom of the Lake adequate to

serve substantial residential development along the Lake's shoreline and in areas adjacent to but not abutting the Lake.

The Lake was built, a commercial center established and utilities provided, all for the sake of creating at Lake Lure a profitable business based on selling real estate while developing Lake Lure into a thriving resort community. The depression put an end to most of this speculation leaving the Town of Lake Lure--its Lake, utilities, roads and buildings--without the resources to develop as anticipated.

The original development concept was quality oriented. However, since the end of World War II until the present, the quality of development has been inconsistent. Around the Lake are examples of excellent permanent and seasonal homes while in some areas over-crowding, mobile homes, and poorly planned development are in evidence. Commercial development has been insignificant in terms of retail or service establishments although a major commercial resort based on a golf course--the Country Club of the Mountains--has been built during the past six years.

What then is the future of Lake Lure? The scenic beauty remains that provided the incentive leading to the plans and accomplishments of the 1920's. These incentives were strong enough to accomplish the sizeable tasks of building a 1,500 acre lake and creating an incorporated town.

The incentives remain but the problems resulting from the manner in which the Town was created and from the developmental history of the Town also remain. These problems relate primarily

to maintaining the quality of the Town's natural resources and in providing the necessary services and utilities to ensure quality development.

Town Government

The Town of Lake Lure is governed by a popularly elected mayor and four man Town Council. The mayor and two councilmen serve two year terms. The other two councilmen serve a four year term.

Responsibilities for running departmental affairs are divided among the mayor and councilmen as follows:

		Duties
1.	Mayor	Administration, Electrical Power, Garbage Collection
2.	Councilman	Roads and Streets
3.	Councilman	Water and Sewer
4.	Councilman	Police
5.	Councilman	Parks and Recreation

The Town employs the following people:

Number	Position
1	Clerk
1	Secretary
2	Policemen
1	Policeman (Seasonal)
1	Power Station Maintenance
3	Municipal Golf Course
1	Municipal Golf Course (Seasonal)
5	Lake Front Employees (Seasonal)
3	General Maintenance

Public Facilities and Services

Schools

There are no public schools in Lake Lure nor in Chimney Rock Township. From conversations with citizens of the Town it appears that children go to school in Rutherford County, Edneyville (Henderson County) and in Polk County. The closet Rutherford County schools are at Green Hill (Green Hill Elementary) and Rutherfordton (Rutherfordton-Spindale High School and the New Hope School).

In 1970 there were 82 school age children in the Town.

Recreation

The primary attraction of the area and one of the main sources of revenue for the Town is the Lake. The Town maintains a public bathhouse and sand beach (on a fee basis); boat docks and ramps; a tour boat offering a ride around the Lake; a Municipal Golf Course; and the Lake Lure Community Center.

Programs include Monday night street dances and Sunday morning worship services by the Lake (Seasonal).

Equipment is owned by the Town for maintenance of the beach and dredging in certain critical areas of the Lake was completed during the summer of 1976.

Garbage Collection

Garbage collection is provided throughout the Town at no charge. Service is provided for residences once a week during nine months of the year but frequency of pick-up is increased to twice weekly during the summer. Pick-up at commercial establishments is twice weekly for the entire year.

This service is being handled by a private concern under contract with the Town. The cost of this contract (FY 1976-77) was $10,992.00. The County landfill is used by this private company for disposal.

Water Service

As previously stated the Town owns three wells and four reservoirs which provide a central source of water for the area from Camp Chimney Rock to Snug Harbor. The minimum cost of this service is $4.00 per month.

Water Rate Schedule

Minimum charge for 3,000 gallons or less	$4.00
Next 3,000 gallons used	1.00 per thousand gals.
Next 4,000 gallons used	.80 per thousand gals.
Next 5,000 gallons used	.70 per thousand gals.
All over 15,000 gallons used	.55 per thousand gals.

Sewer System

The sewer system is Town owned. There is no charge to users at present. Charges will be established once the treatment plant is operational. As previously stated no untreated sewage now enters the system and work on solving the infiltration problem which renders the treatment plant useless is continuing.

Police Protection

The Town employs two full-time policemen and one part-time policeman (June through Labor Day). They are equipped with two late model Chevrolet Blazers (four wheel drive) and a boat for patroling the Lake. The police station is housed in the Town Hall but there is no jail, all detainees being transported to the County's jail in Rutherfordton.

As with other services provided by the Town, the extreme population increases during the summer place a potential problem on providing adequate services.

Electrical Power

The Town owns the power plant but Duke Power Company--which maintains an office in the Town--distributes power and collects power bills. The Town receives 1/2¢ per kilowatt generated which for a 20 year average amounts to $55,000.00 per year. This money is used by the Town to pay off the bonds issued for the purchase of the Lake, dam, and power plant. This debt is scheduled to be paid off in 1983.

Taxes and Fees

Property taxes are at a rate of $0.55 per $100.00 of valuation of taxable property. Total assessed valuation of property for the purposes of taxation (FY 1976-77) is $19,342,964.00 which should produce $106,386.30 in tax revenues for the Town.

Other sources of revenue are as follows (See Appendix A):

Source	Comments
Building Permits	$10.00 (Sewer Hook-up approval required prior to application)
Fishing License	(Appendix A)
Boat Permits	(Appendix A)
Municipal Golf Course	Cart Fees Green Fees Membership Fees
Beach House	Used on Fee Basis
Boat House Permits	The Town reserves an easement from the 992 to 995 foot level and thus controls the construction and maintenance of boat houses and piers.

Streets and Roads

The Town maintains some 40 miles of streets, roads and drives both paved and unpaved including 15 miles of paved roads that are part of the development of the Country Club of the Mountains. During FY 1976-77 some $46,300.00 was budgeted for the street department (Map 6).

This department appears to be well equipped for its job with two case front-end loaders, two dump trucks and a Gallon 503 road scraper.

Population Characteristics

Lake Lure was incorporated in 1927 and the first census of population (1930) showed that 204 people lived in the Town (Table 4). Growth was virtually non-existent during the next ten years and actually dropped to 174 people by 1950.

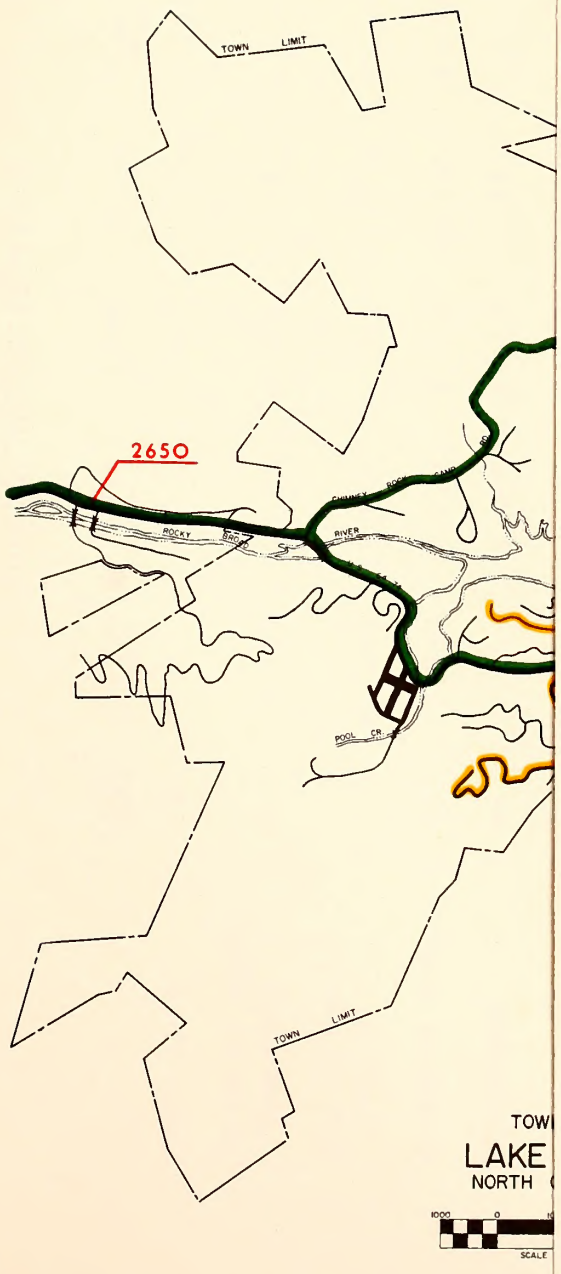
From 1950, however, growth has been steady with the 1970 census showing 456 Town residents. Projections indicate a small population growth through 1990. Projections of population, however, are subject to many variables especially for a Town like Lake Lure. Regional and national economic trends have strong influence on what happens in Lake Lure because of the recreation/resort nature of the Town.

Between 1960 and 1970 the population of the Town grew by 49 percent from 233 to 456. Chimney Rock Township increased by only 2 percent during this same time. Rutherford County's population increased by 5 percent between 1960 and 1970.

The median age of those in the Town is high - approximately 40 (Table 5). Those 65 years of age and older constitute 19.3 percent of the Town's residents. This age group makes up 15.1

STREETS AND ROADS
TRAFFIC COUNTS

MAP 6



STATE ROADS (PAVED AND UNPAVED)

PAVED ROADS

ALL OTHER ROADS ARE UNPAVED

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STREETS AND ROADS
TRAFFIC COUNTS

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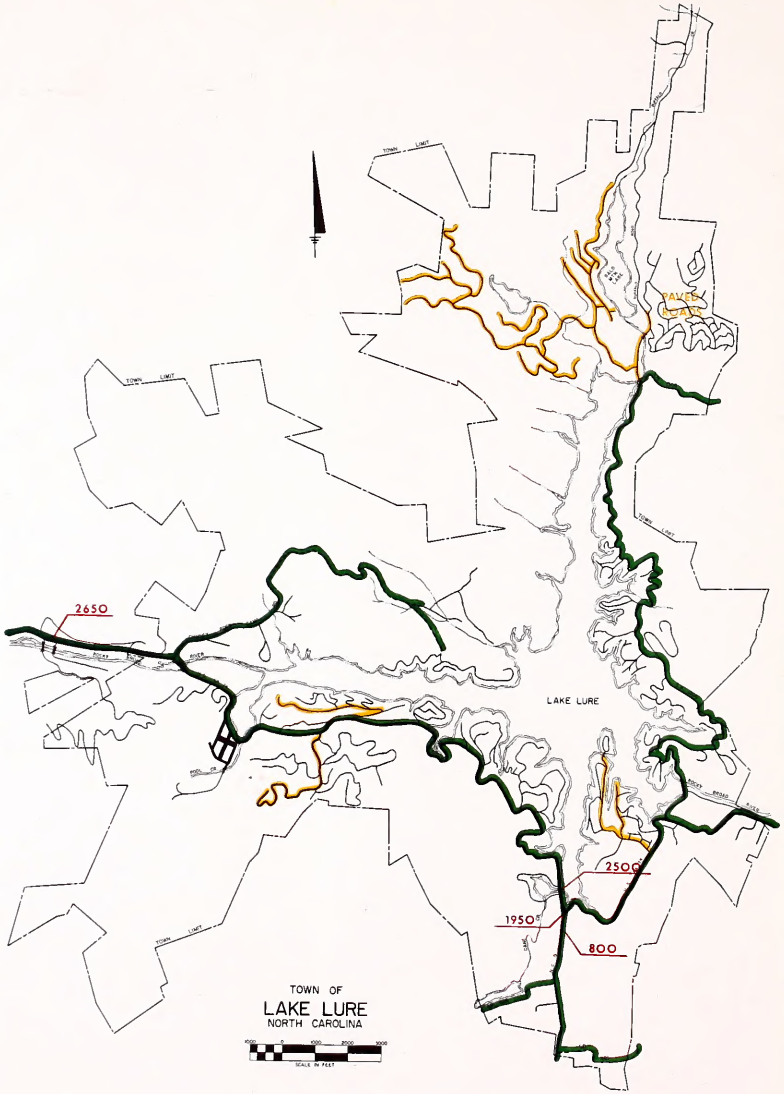


STATE ROADS (PAVED AND UNPAVED)

PAVED ROADS

ALL OTHER ROADS ARE UNPAVED

TABLE 4

POPULATION PROJECTIONS

	1910[1]	1920[1]	1930[1]	1940[1]	1950[1]	1960[1]	1970[1]	1980[2]	1990[2]
Lake Lure	--	--	204	212	174	283	456	413	466
Chimney Rock Township	1,404	1,277	1,126	1,255	1,182	1,074	1,094	1,021	976
Rutherford County	28,383	31,426	40,452	45,557	46,356	45,091	47,337	53,528	56,745
Rutherfordton	1,062	1,693	2,020	2,326	3,146	3,392	3,245	3,994	4,389
Spindale	--	--	3,066	3,952	3,891	4,082	3,848	4,276	4,445
Forest City	1,592	2,312	4,069	5,035	4,971	6,556	7,179	8,290	9,233

Source: [1]U.S. Census of Population
[2]N.C. Department of Natural and Economic Resources, Division of Community Assistance.

TABLE 5

POPULATION CHARACTERISTICS

LAKE LURE AND RUTHERFORD COUNTY TOWNSHIPS

Town/ Township	1970 Total Pop.	1960 Total Pop.	% of Change	Median Age	AGE Percent Under 18 Years	% 65 Years & Over
Lake Lure	456	233	49.0	40(app.)	24.1	19.3
Camp Creek Twp.	1,084	1,199	- 9.6	23.9	43.0	11.3
Chimney Rock Twp.	1,094	1,079	1.4	37.6	28.9	15.1
Colfax Twp.	5,068	4,246	19.4	31.3	31.9	10.6
Cool Spring Twp.	13,093	11,201	16.9	28.4	34.6	9.1
Duncans Crk. Twp.	433	548	-21.0	36.5	29.6	16.6
Gilkey Twp.	746	896	-16.7	35.7	29.8	16.1
Golden Valley Twp.	680	661	2.9	28.5	37.8	17.1
Green Hill Twp.	1,434	1,478	- 3.0	32.0	33.9	12.3
High Shoals Twp.	6,351	7,172	-11.4	32.9	30.3	9.4
Logan Store Twp.	2,615	2,194	19.2	30.8	33.1	12.0
Morgan Twp.	820	765	7.2	28.0	36.3	10.9
Rutherford-ton Twp.	10,593	10,773	- 1.7	32.3	32.3	11.6
Sulphur Spgs. Twp.	2,465	2,095	17.7	29.3	32.4	10.5
Union Twp.	861	784	9.8	29.7	31.8	9.2

Source: U.S. Department of Commerce, Bureau of the Census, General Population Characteristics, North Carolina, 1970.

percent of the residents of Chimney Rock Township and 12 percent of the residents of the entire county. Chimney Rock Township has the fewest number of people less than 18 years old, the highest median age, and the greatest number of people over 65 years old of any of the County's Townships. Lake Lure contributes to this situation with the fewest people 18 years of age or younger, the highest median age, and the highest number of people 65 and older of any other town or township in Rutherford County.

Quite obvious to those knowledgeable of conditions in Lake Lure is the discrepancy between census population data and the actual number of residents the Town has during a given period of time. The 1970 Census indicates that there are 456 permanent residents. There are 735 housing units in the Town including mobile homes and condominiums, 1.6 housing units for each person.

In 1970 the population of Rutherford County was 47,337 and there were 16,407 housing units. County wide, therefore, each housing unit averaged 2.8 occupants. If 2.8 persons per housing unit were applied to Lake Lure, then a potential resident population of 2,058 would be expected.

There are 147 hotel and motel rooms available in the Town Limits. Other accommodations exist--but are not tabulated--in the form of duplexes and houses designed for the use by more than one family. Thus more than 2,205 people could be residing in Lake Lure at a given point in time.

The number of people in Town, however, can far exceed this figure. People come for swimming, boating, golf and sight seeing and potentially swell the number of people in the Town at a given point in time far in excess of this figure.

A survey is being conducted of property owners in the Town to better define residency within the community. . A questionnaire has been mailed to all property owners asking the following questions:

A. How many weeks/months is your house occupied during a year?

B. Could you provide some idea as to what months your house is occupied?

C. How many weeks/months do you live in your house in Lake Lure?

D. Do you rent this house?

E. How many weeks/months do you rent this house?

With good response to this questionnaire, a more definitive idea of the actual population of the Town hopefully will be gained. Services provided by the Town do not relate to a population of 456.

Housing Characteristics - 1975 Survey Data

The exterior structural conditions of houses in the corporate limits of Lake Lure were surveyed during July and August of 1976. Each house was classified according to one of the three following categories:

1. Sound - Structures which have no defects or only slight defects which may be corrected during regular maintenance.

2. Deteriorated - Structures having defects which would require considerable repair to prevent further deterioration.

3. Dilapidated - Structures which are unfit and unsafe for human occupancy. Such structures have one or more critical defects which are beyond economical repair.

The judgment made during the survey are somewhat subjective and substantial structural defects may exist that are not detectable from an external survey. However, as a general indication of housing conditions in the Town, the findings of the survey are presented.

There are 577 individual detached residential structures in the Town and 62 mobile homes. Seven of these residences were under construction during the survey (Table 6).

Five hundred and forty-four homes were judged to be in sound condition - 94 percent of the total number of detached residences. Those houses judged sound were further divided into two categories as follows:

1. Those in a perfect state of external repair or those houses observed to be in the best state of external repair.
2. Those houses requiring secondary external repair in part such as minor painting or sound older homes needing minor or superficial repair.

One hundred and ninety-three houses or 34 percent of the total number of all houses were judged to be in the first category. Three hundred and fifty-one houses--60 percent of the total of all houses--were considered to be in the second category of sound housing.

Thirty houses or 5.2 percent of the total of 577 houses were considered to be deteriorated or substandard. There is no serious concentration of deteriorated houses in the Town. Two such houses are along the Lake but most are located in the western end of Town off U. S. 64/74 and off Chimney Rock Camp Road.

TABLE 6

HOUSING CHARACTERISTICS

SURVEY DATA

Detached Housing Units		577
Mobile Homes		62*
Condominiums		96
	Total	735
Detached Housing Units		
Sound	544	94.3%
Deteriorated	30	05.2%
Dilapidated	3	00.5%
Condominiums		
Sound	96	100.0%

*The 1970 Census data shows a count of only 9 mobile homes.

Three houses (0.5%) in Lake Lure are dilapidated or unfit for human habitation. The number represents no problem although action should be taken to remove these structures.

There are 62 mobile homes in the Town. Seven of these are located along the Lake. This is a rather large number of mobile homes for a Town this size. The Town of Rutherfordton with a population of 3,245 (1970) has 60 mobile homes within its corporate limits.

Mobile homes offer an attractive alternative to standard housing as costs of material and labor continue to climb. Even more attractive is the use of mobile homes for a second home or vacation retreat. Properly regulated mobile homes can be a desirable part of the residential picture of a community. With no regulations--especially for a resort community such as Lake Lure--mobile homes can present serious problems caused by overcrowding and the potential of adverse effects on residential property values.

Not included in the total number of houses are the 96 condominium units (15 buildings) at the Country Club of the Mountains. These are all standard housing units most of which are occupied on a seasonal basis. It is estimated that not over six of these units are occupied for as many as eight months during a year. Condominiums represent potential problems in providing services and utilities as a relatively large number of individual units may be built in a small area.

During the last three and a half years (1973 through July of 1976), 54 building permits have been issued by the Town. These are for residential construction as no new commercial structures

have been built during this period. The average annual number of building permits issued since 1973 is 15.

Building Permits

Year	Number
1973	6
1974	19
1975	18
1976 (through July 31)	11
Total	54

Housing Characteristics - Selected 1970 Census Data

The following data on housing is from the U. S. Bureau of the Census, Census of Housing: 1970; Detailed Housing Characteristics, North Carolina.

TABLE 7

TENURE*

Owner Occupied Units		Renter Occupied Units	
White	142	White	36
Negro	2	Negro	4

Vacant for Rent	Vacant for Sale	Vacant Year-Round
16	5	59

Vacant Seasonal
405

*Tenure refers to the rental or owner occupancy of housing units.

In 1970, according to census data only 184 housing units were occupied year-round or 29% of the total number of housing units.

Based on these figures--456 permanent residences and 184 housing units--the average number of persons per household was 2.7. A total of 264 housing units were listed as other than seasonal; 405 being of a seasonal status.

TABLE 8

UNIT SIZE--NON-SEASONAL HOUSING UNITS

Rooms	Number of Units
1	5
2	15
3	30
4	77
5	68
6	35
7	17
8	17
Total	264

The importance of size of houses or apartments lies primarily in its use as a measure of adequacy of dwelling units to satisfy the requirements of families of various sizes and composition. The median number of rooms per housing unit in Lake Lure was almost five in 1970. (See Appendix H)

The value of this census data is limited because of the following reasons:

1. This information is now seven years old.
2. The seasonal nature of residency in the Town and resulting difficulties in obtaining accurate population counts.
3. The "second home" or recreational aspects of the majority of home construction.

Housing Summary

1. Housing is not a problem in Lake Lure.

2. Demand for housing is being met by the private sector on a non-speculative basis.
3. Substandard housing (deteriorated or dilapidated) makes up only 5.7 percent of all housing in the Town and is mostly of a seasonal nature.
4. Most housing units (71 percent in 1970) were used seasonably.
5. The Town should incorporate the recommendations presented in the report to insure quality development to include completion of on-going water, sewer, public facilities and fire protection projects.
6. There is no need for public housing projects or rent-subsidized housing in Lake Lure.

Accessibility and Traffic Flow

The Town of Lake Lure is readily accessible from points east, west and north by U.S. Highway 64-74 and from the south by N. C. Highway 9 (Map 6) (Appendix B). Secondary state roads (1305 and 1306) run along the eastern side of the Lake and for a short distance along the northern side of the Lake's western arm. Town maintained and private roads run from these main routes providing access to residences and developments along the Lake Shore and immediately inland.

Map 6 shows the average daily traffic volumes along the main thoroughfares as recorded during 1975.

CHAPTER IV

LAND USE ANALYSIS AND LAND DEVELOPMENT PLAN

Analysis of Existing Land Uses

Land uses in the Town of Lake Lure are grouped into the following categories:

1. Residential: Structures with one or more dwelling units, including apartments, mobile homes and condominiums.
2. Commercial: Any activity dealing in retail or wholesale trade or providing a service to the public including the commercial use of land for summer camps and other recreational purposes.
3. Industrial: Those activities having to do with the processing or fabrication of raw materials or the production of commodities or materials.
4. Public/Semi-Public: Land owned by the Town for public use and land owned by public organizations such as churches, cemeteries or related activities.

Map 7 shows the existing land use by category in the Town of Lake Lure. An analysis of this map provides the following conclusions:

1. The primary use of land in the Town is for residential purposes.
2. A large percentage of the area of the Town is undeveloped.
3. Commercial land uses occupy a considerable area, but the number of commercial establishments is limited and restricted as to location.
4. Industrial land use is virtually non-existent.

EXISTING LAND USE

MAP 7

- RESIDENTIAL
- t TRAILER
- COMMERCIAL
- COMMERCIAL/RECREATION
- PUBLIC
- SEMI-PUBLIC

Insert
Foldout/Map
Here

5. Publicly owned land lies in critical areas for public access to the Lake. Otherwise publicly owned land is for recreational use or is undeveloped. (The Lake is publicly owned.) Semi-public lands are owned by churches and the Girl Scouts of America (Summer Camp).

Existing Land Use

There are over 6,500 acres of land in the corporate limits of the Town; 8,000 acres less the 1,500 acres covered by the Lake. Of this total, approximately 2,840 acres or 44 percent are developed. This figure does not include those areas that have been opened or made available for development but on which no construction has taken place.

The amount of land in residential use is approximately 1,880 acres or 66 percent of the total developed land. The majority of this area, 1,800 acres, is occupied by single-family residences (including condominiums). The remaining 80 acres are occupied by mobile homes.

The Town of Lake Lure exists because people visit the Lake and build houses around it. Thus the primary and most important use of land is for residential purposes.

Commercial activities occupy approximately 568 acres or 20 percent of the developed land. The number of establishments is small but a summer camp and resort golf course (commercial recreation) occupy large areas thus distorting to some degree the impact of commercial land uses.

Retail commercial establishments are located exclusively along U. S. Highway 64-74 with the primary concentration extending from the western town limit to the Town's main commercial center. The

vast majority of these retail outlets cater to the needs of the tourist trade and travelers along the Highway.

The commercial heart of Lake Lure is a single two-story building built as part of the original development around the Lake. Adjacent to this building and of the same vintage is a 55 room hotel. Those businesses and offices located in this privately owned commercial building are as follows:

U. S. Post Office

Lake Lure Town Hall (Town rents this space)

Duke Power Company

Beauty Shop

Grocery Store

Doctor's Office (MD and Pharmacy)

Stone Manufacturing Company (2nd floor)

The hotel is purely seasonal and apparently operates on a very marginal basis.

Elsewhere in the Town are located the following types of commercial establishments:

Type	Number
Restaurants	3
Service Stations	2
Motels	3
General Commercial	22
Commercial Campgrounds	3
Boat Landing	2
Real Estate Offices	8
Summer Camps	1
Semi-Private Resort	1

Excluding the restaurants, service stations and perhaps four general commercial establishments, the commercial establishments in Lake Lure are seasonal businesses. Even those excluded depend primarily on seasonal businesses. Major retail shopping centers are from 16 to 21 miles away either in Rutherfordton/Spindale or Hendersonville. The small permanent population and the seasonal nature of trade discourage more extensive retail commercial development while the potential for commercial resorts or summer camps remains high. Another factor effecting retail business is the relative scarcity of good locations. The only choices are confined to the strip along U. S. Highway 64-74 which are limited by terrain and proximity to the Lake.

There are only two industrial concerns in the Town. One is located in the Town's main commercial building on the second floor. This company manufactures children's clothing and employs 55 people. The other industry is located along U. S. Highway 64-74 and manufactures wooden products such as crates for the local apple producers. The amount of land occupied by these concerns is about two acres or less than one percent of the total developed land.

Public and semi-public uses of land occupy some 390 acres of land or 13 percent of the total developed area. Included in this category two summer camps; one owned by a church organization and the other by the Girl Scouts of America. Also included in this figure are lands owned by the Town (the Lake front beach), the post office and churches.

Undeveloped land represents 3,660 acres or about 56 percent of the total area of the Town. The vast majority of this undeveloped land is suitable for residential development--where terrain permits--or for the development of commercial activities such as resorts, golf courses or summer camps.

Land Development Plan

The primary objective of a land development plan is to offer a guideline for shaping the growth and development of both private and public interests in a community. Therefore, it is toward this general objective that land use patterns and public needs are projected, problems identified, and recommendations accordingly made. Going beyond this general goal, the following specific objectives are submitted for the physical development of Lake Lure:

1. Preserve existing residential and recreational areas.
2. Insure that undeveloped areas in the Town are reserved for uses consistent with the nature of the Community.
3. Protect the natural resources and beauty of the Town from unwarranted or unwise development.

The land development plan has no legal status but does serve as the basis for the legislative means of land use control such as zoning and subdivision regulations. These legislative means are the tools by which the specific objectives of the Land Development Plan listed above may be realized.

Map 8 indicates in a general manner the projected land use patterns for Lake Lure. This suggested pattern for growth in Lake Lure is the Land Development Plan in graphic form. Shown on the Map are suggestions as to how the Town should look if

LAND DEVELOPMENT PLAN

MAP 8

- RESIDENTIAL
- RESORT/RESIDENTIAL
- COMMERCIAL
- PUBLIC
- SEMI-PUBLIC
- RESERVED

Undeveloped land represents 3,660 acres or about 56 percent of the total area of the Town. The vast majority of this undeveloped land is suitable for residential development--where terrain permits--or for the development of commercial activities such as resorts, golf courses or summer camps.

Land Development Plan

The primary objective of a land development plan is to offer a guideline for shaping the growth and development of both private and public interests in a community. Therefore, it is toward this general objective that land use patterns and public needs are projected, problems identified, and recommendations accordingly made. Going beyond this general goal, the following specific objectives are submitted for the physical development of Lake Lure:

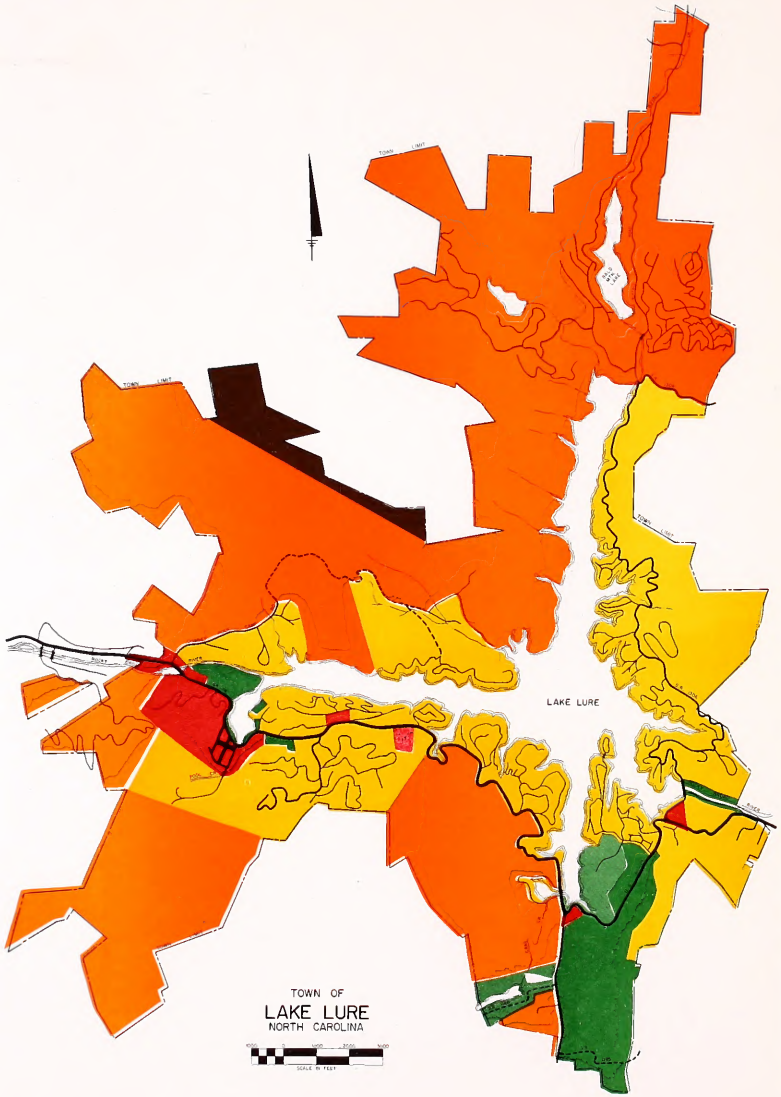
1. Preserve existing residential and recreational areas.
2. Insure that undeveloped areas in the Town are reserved for uses consistent with the nature of the Community.
3. Protect the natural resources and beauty of the Town from unwarranted or unwise development.

The land development plan has no legal status but does serve as the basis for the legislative means of land use control such as zoning and subdivision regulations. These legislative means are the tools by which the specific objectives of the Land Development Plan listed above may be realized.

Map 8 indicates in a general manner the projected land use patterns for Lake Lure. This suggested pattern for growth in Lake Lure is the Land Development Plan in graphic form. Shown on the Map are suggestions as to how the Town should look if

LAND DEVELOPMENT PLAN

MAP 8



- RESIDENTIAL
- RESORT/RESIDENTIAL
- COMMERCIAL
- PUBLIC
- SEMI-PUBLIC
- RESERVED

fully developed into residential, commercial and industrial areas, and areas reserved for public use.

Residential

Lake Lure is a residential, recreation community. This has been said before but is said again in order to emphasize the fact that the primary and most important use of land in the Town is for residences and residential development. The vast majority of the residential development is for second or seasonal homes; although the number of permanent residents may be expected to increase in the future. The most important aspect of future development is that it be quality development; development of such a density and design as not to put excessive pressure on existing utilities or water supplies or to significantly disrupt the natural setting of the Town.

Except for those areas of excessive slope (designated as Reserve Areas on the Map), the undeveloped areas of Lake Lure are suitable for residential development. Normally much more of this area would not be suitable or economically feasible for development, but the unique nature of the Town's natural setting and the Lake act to create a situation that allows for the extra expense to develop on otherwise unsuitable areas. For residential development to maintain a desirable quality, certain factors must be regulated and controlled:

1. Slope - On areas of excessive slope lots should be larger than on level or gently sloping areas and roads or driveways carefully planned to control erosion and sedimentation. Clearing on large areas should be prohibited and soils carefully analyzed for suitability of septic tanks.

2. Water System - If a Town-wide water system is not economically justifiable, minimum lot sizes and well/septic tank separations should be established to in-

sure water quality and to protect the general well being of the public.

3. Sewage Disposal - The capability of the existing sewer system should be reviewed periodically to insure adequacy. If septic tanks are used, lot sizes, tank and drain locations, soil types, and tank proximity to the Lake and streams should be carefully regulated.

4. Group Developments - Condominiums, apartments, or other high density residential forms should be carefully planned to insure adequate water supplies and waste disposal.

5. Mobile Homes - Mobile homes should be restricted to mobile home parks in certain areas of the Town and regulated to insure adequate water supplies and waste disposal.

Each of these factors can be regulated through zoning and subdivision regulations. Regulations will insure quality development and the preservation of the area's unique beauty.

Second home or seasonal home construction will continue as the primary form of residential development in Lake Lure. Continued growth in the number of permanent residents may be expected. These new residents will probably be retired or semi-retired people. The general appeal of Lake Lure for working families or those with children is limited by the following:

1. The scarcity of permanent, year-round employment.
2. The absence of schools in the Town and general area.
3. The relative long commuting time to major employment centers.

Resort/Residential

All those principles which apply to development in residential areas also apply to those designated as Resort/Residential. Development in the area could be purely residential in nature or incorporate into its design certain commercial components such as lodges, motels or hotels, private or semi-public golf courses,

condominiums, summer camps and other similar uses.

Commercial

Commercial development in the Town is limited to basic service needs of the local population and tourist-oriented businesses. Included in the commercial sector are summer camps and the semi-private golf course at the Country Club of the Mountains.

The location of retail establishments is restricted to those areas immediately adjacent to U.S. Highway 64-74. The small permanent population and dependence on tourist trade dictates such a pattern. Commercial development in the central area of the Town is adequate to serve the existing population with goods and services.

The main concern for future commercial growth is that this growth not be stripped along Highway 64-74. Attempts should be made to concentrate commercial growth in the central area of the Town. Unrestricted growth along the highway creates a potential for aesthetic and traffic related problems; not to mention problems in providing adequate utilities, police protection and fire protection. Future development should be directed toward creating a commercial hub for the Town in the area of the existing commercial center.

Commercial development in the form of summer camps and semi-private resorts is consistent with the goals and objectives of this Land Development Plan. Care should be taken to avoid problems resulting from high density residential land uses generally associated with the development of commercial resorts.

Industry

Major industrial development is not consistent with the goals and objectives of the Land Development Plan. The Town's major industry is unfortunately located in the central commercial building; upstairs. If industry is to be a part of the future of the Town, it should be located in the general area of N.C. Highway 9 from its intersection with U.S. 64-74 to the Town Limits. Here again, water supplies and waste disposal systems should be carefully planned.

Public/Semi-Public

Lake Lure is a resort, recreational community. If, therefore, the public ownership of land can contribute toward enhancing the desirability of the Town for its intended purposes, then this sector of land use should be expanded. For example, the Municipal Golf Course attracts people to the Town and produces revenue for the Town. If the course could be improved to attract more people it appears logical that the expense is justified. The same thinking applies to public ownership of beach areas and lake access facilities not to mention other forms of public recreation that could be developed such as picnic areas and hiking trails.

Land Development Policies

The following general land development policies are suggested for the Town as a part of the Land Development Plan:

1. To allocate sufficient lands to accommodate all uses which can reasonably be expected to locate within the Town.
2. To provide the most desirable locations for the various land uses.

3. To minimize conflicts between land uses and their surroundings.
4. To promote the upgrading of public utilities and services.
5. To establish a cluster type commercial center for the Town based on the existing commercial center to discourage strip development along U.S. Highway 64-74.
6. To encourage quality residential development and to wisely plan for high density residential land uses such as mobile home parks, apartment buildings and condominiums.

Location Requirements

The following are specific location requirements to guide development within each land use category:

Residential Location Requirements

1. Design of dwellings, lots and streets should be appropriate for the topography of the area. In general, for slopes in excess of 13%, lots should be larger than on lesser slopes, areas cleared of vegetation should be carefully regulated, and roads designed so as not to be excessively steep or narrow.
2. Residential areas should be free from adjoining incompatible uses.
3. Residential development should be in areas where water quality and quantity is adequate either from wells or a central system. Large scale development in areas not served by the Town owned system should incorporate in their design a central system.

4. Residential development should be in areas accessible to the central sewage system or utilize lots of sufficient size to adequately provide for the use of individual tanks. Large scale development in isolated areas should incorporate a center treatment plant in their design.

Commercial Location Requirements

1. Commercial development should occur in centralized areas and not be located one deep along the major thoroughfare.
2. Commercial development should provide adequate off-street parking and loading areas (Appendix C).
3. Commercial development should be in areas served by the central sewage disposal system.
4. Commercial development should not infringe on residential areas or be located on the Lake shore unless of a recreational nature.

Industrial Location Requirements

1. Major industrial development is inconsistent with the desired developmental nature of the Town.
2. Industry--if considered--should be located in areas off Highway 64-74 and well away from the Lake or any residential area.

Public/Semi-Pulic Location Requirements

1. Acquisition and/or development of public lands should be done to exploit their recreational potential. Semi-public land uses should be encouraged in order to promote the recreational nature of the community.

2. Public and semi-public lands should be developed only after careful consideration of the anticipated ecological or economic impact of their development.

CHAPTER V

IMPLEMENTATION

The land development plan outlined in this report is not legally binding even though adopted in principle by the Mayor and Town Council. At best, a land development plan is a guide to be used in making decisions--both public and private--concerning the growth and development of the Town of Lake Lure. How then can the goals and objectives of this plan be realized?

The Town has at its disposal a number of "tools" to accomplish this task. For the Town of Lake Lure, in order of priority, these "tools" are as follows:

1. Zoning Ordinance - This ordinance would set up districts (e.g. residential, commercial, resort residential) of use in a fashion similar to that shown on the Land Development Plan (Map 8). The ordinance would state what is permitted in each use district and also contain regulations for lot size, building setbacks, sign controls, and methods of appeal (Appendix D).

Such an ordinance should be considered during FY 1976-77 and implemented during 1977. This is an especially important ordinance for a Town like Lake Lure depending as it does on the beauty of its surroundings.

2. Subdivision Regulations - This ordinance would apply to the subdivision of land in the corporate limits of the Town (Appendix E). It would establish minimum standards for street construction, lot sizes and for the provision and adequacy of public utilities. It would also outline the minimum requirements for plat preparation.

Such an ordinance should be prepared during FY 1977-78 and adopted during 1978. This type ordinance--as well as a Zoning Ordinance--is of critical importance to Lake Lure. A resort/residential community should take all available steps to ensure quality development.

3. Building Codes - Building Codes should be adopted (to include minimum housing standards) and their provisions made applicable to all new construction. This should be accomplished during 1978 (Appendices F and G).

4. Capital Budget - The Town Council should consider the establishment of a Capital Budget, forecasting its capital needs annually over a six-year period. Such a management procedure should be incorporated into the Town's fiscal policies during 1978.

In conjunction with the above, the Town of Lake Lure must ensure adequate fire protection, adequate water supply and adequate sewage handling facilities to safeguard future development.

Another pressing need is for an adequate Town Hall facility. The Town presently rents cramped and noisy quarters that are most unsatisfactory. Construction money for such a building is presently being sought that will be located in conjunction with the much needed fire station.

APPENDIX A

LAKE PERMITS

	Resident	Non-Property Owner	30-Day Permit
Daily Fishing Permits	$ .75	$ .75	
Season Fishing Permits	2.75	2.75	
Daily Boat Permits	3.25	5.25	
Season Boat Permits (without motor)	3.25	5.25	
Season Boat Permits (20 HP or less)	5.25	8.25	
Season Boat Permits (20 HP to 95 HP)	8.25	25.25	$12.75
Season Boat Permits (over 95 HP)	12.25	30.25	15.25
Non-Resident Camps (Limit of 2 boats)		$200.00 per boat	

State Fishing Licenses are Required.

APPENDIX B

BACKGROUND OF OUTDOOR ADVERTISING CONTROLS

National interest in controlling outdoor advertising first appeared in 1956, the year that Congress authorized the creation of the Interstate System of Highways. Public opinion rose sharply concerning the need to control advertising on the Interstate Network and in 1958 Congress took action by providing a voluntary program under which States could enter into agreement with the Federal Government to control outdoor advertising. States that entered into a program that controlled outdoor advertising were eligible for bonus Federal-aid payments. North Carolina was among the twenty-five States that chose not to voluntarily control outdoor advertising.

In 1965 Congress extended the outdoor advertising control to include the Federal-aid Primary System. The Highway Beautification Act of 1965, Public Law 89-285, abandoned the voluntary bonus type program and required all States to make provisions for effective control of outdoor advertising within 660 feet of the right of way or lose ten percent of their Federal-aid Highway Funds.

As a result of the Highway Beautification Act of 1965, the 1967 North Carolina General Assembly enacted the "Outdoor Advertising Control Act," Article 11, General Statute 136-126 through 136-140. General Statute 136-127, Declaration of Policy states: "The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways but that the erection and maintenance of outdoor advertising signs and devices in areas in the vicinity

of the right of way of the Interstate and Primary highways within the State should be controlled and regulated in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the State highways and to promote the reasonable, orderly and effective display of such signs, displays and devices." (1967, c. 1248, s.2.)

General Statute 136-130 authorizes the Board of Transportation to promulgate rules and regulations governing the erection and maintenance of outdoor advertising permitted by the Act.

Application

The "Outdoor Advertising Control Act" of 1967 applies only to outdoor advertising within 660 feet of the right of way of Interstate and Federal-aid Primary Highways. It regulates the erection and maintenance of outdoor advertising in zoned and unzoned commercial and industrial areas. It prohibits the erection of all outdoor advertising signs, except official and directional signs, in all other areas within 660 feet of the right of way of the Interstate and Federal-aid Primary Highway System.

The Act excludes from control and regulation the following outdoor advertising:

1. Outdoor advertising which advertises activities conducted on the property upon which it is located, or
2. Outdoor advertising which advertises the sale or lease of property upon which it is located.

It is the responsibility of the sign owner to insure that all outdoor advertising devices are erected and maintained as prescribed. Any person, firm, corporation, or association placing or erecting outdoor advertising along the Interstate or Federal-aid Primary System in violation of the Act and rules and regulations promulgated pursuant thereto shall be guilty of a misdemeanor.

Outdoor advertising erected within 660 feet of the Interstate or Federal-aid Primary Highway System after July 17, 1972, for which a permit is not obtained is illegal. The Board of Transportation or its agents will give thirty (30) days notice by certified mail to the owner of the illegal outdoor advertising to remove the outdoor advertising or make it conform to the provisions of the rules and regulations contained herein. The Board of Transportation or its agents have the right to remove the illegal outdoor advertising at the expense of the sign owner if the sign owner fails to act within thirty (30) days after receipt of such notice.

APPENDIX C

NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION
RULES AND REGULATIONS

AUTHORITY

These Rules and Regulations are issued pursuant to the authority contained in GS113A-54.

Section 1 PURPOSE

The purpose of these Rules and Regulations is to control accelerated erosion and sedimentation resulting from land-disturbing activities by establishing a prevention-oriented sediment control program.

Section 2 SCOPE

The provisions of these Rules and Regulations impose requirements on persons engaged in land-disturbing activities which require planning and implementation of effective temporary and permanent control measures to prevent accelerated erosion and sedimentation.

Section 3 DEFINITIONS

As used in these Rules and Regulations, unless the context clearly indicates otherwise, the following definitions apply:

a. Accelerated Erosion - means any increase over the rate of natural erosion as a result of land-disturbing activities.

b. Active Construction - means activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

c. Adequate Erosion Control Measure, Structure, or Device - means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

d. Borrow - means fill material which is required for on-site construction and is obtained from other locations.

e. Buffer Zone - means the strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land-

disturbing activity containing natural or artificial means of confining visible siltation.

f. Commission - means the North Carolina Sedimentation Control Commission. (GS113A-52)

g. Department - means the North Carolina Department of Natural and Economic Resources. (GS113A-52)

h. Erosion - means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof. (GS113A-52)

i. Ground Cover - means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

j. Lake or Natural Watercourse - means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

k. Land-disturbing Activity - means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (GS113A-52) (1973-74, c.1417,s.1)

l. Local Government - means any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of this Article (GS113A-52)

m. Natural Erosion - means the wearing away of the earths surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

n. Person - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity. (GS113A-52)

o. Person Engaged in or Conducting Land-disturbing Activity - means the individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission,

board, public or private institution, utility, cooperative, interstate body, or other legal entity, financially responsible for the land-disturbing activity.

p. Phase of Grading - means one of two types of grading, rough or fine.

q. Plan - means erosion and sedimentation control plan.

r. Secretary - means the Secretary of the Department of Natural and Economic Resources (GS113A-52)

s. Sediment - means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (GS113A-52) (1973-74, c.1417, s.1)

t. Siltation - means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

u. Storm Water Runoff - means the direct runoff of water resulting from precipitation in any form.

v. Tract - means all contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time.

w. Uncovered - means the removal of ground cover from, on, or above the soil surface.

x. Undertaken - means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

y. Waste - means surplus materials resulting from on-site construction and disposal of at other locations.

z. Working Days - means days exclusive of Saturday and Sunday during which weather conditions permit land-disturbing activity to be undertaken. (GS113A-52)

Section 4 GENERAL REQUIREMENTS

a. Plan Required
An erosion and sedimentation control plan shall be prepared and filed with the Commission, or local government having jurisdiction, prior to the commencement of any land-disturbing activity whenever the proposed activity is to be undertaken on a tract comprising more than one acre, if more than one contiguous acre is to be uncovered.

b. Protection of Property
Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities.

c. More Restrictive Rules Shall Apply
Whenever there is a conflict between Federal, State, or Local Laws, Ordinances, Rules and Regulations, Orders, and Decrees the more restrictive provision shall apply.

Section 5 BASIC CONTROL OBJECTIVES

The basic control objectives which are to be considered in developing and implementing an erosion and sedimentation control plan are to:

a. Identify Critical Areas
On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

b. Limit Exposed Areas
All land-disturbing activities are to be planned and conducted to minimize the size of the area to be exposed at any one time.

c. Limit Time of Exposure
All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.

d. Control Surface Water
Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.

e. Control Sedimentation
All land-disturbing activities are to be planned and conducted so as to minimize off-site sedimentation damage.

f. Manage Storm Water Runoff
When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving stream, plans are to include measures to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the stream.

Section 6 MANDATORY STANDARDS

GS113A-57. Mandatory Standards for Land-disturbing Activity.
No land-disturbing activity subject to this Article shall be undertaken except in accordance with the following mandatory requirements.

a. No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearer the land-disturbing activity, provided, that this subdivision (a) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over or under a lake or natural watercourse.

b. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 30 working days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion. (1973-74, c.1417, s.5)

c. Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within 30 working days on that portion of the tract upon which further active construction is not being undertaken, provided, that this subdivision (c) shall not apply to cleared land forming the basin of a reservoir later to be inundated. (1973, c.392, s.8)

Section 7 DESIGN AND PEFORMANCE STANDARD

Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide control from the calculated peak rates of runoff from a ten-year frequency storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.

Section 8 PERMANENT DOWNSTREAM PROTECTION OF STREAM BANKS AND CHANNELS

Provision shall be made for the permanent protection of off-site stream banks and channels from the erosive effects of increased velocity and volume of storm water runoff resulting from certain land-disturbing activities.

a. A combination of storage and controlled release of storm water runoff shall be required for highway construction; commercial, industrial, educational, and institutional developments of one acre or more; for multi-family residential developments of 5 acres or more; and, for single family developments of 10 acres or more. After development of the site, the calculated peak rate of storm water runoff resulting from a ten-year frequency storm shall be no greater than that which would result from a ten-year frequency storm on the same site prior to development.

b. Detention storage and controlled release will not be required in those instances where the person planning to conduct the activity can demonstrate that the storm water release will not cause an increase in accelerated erosion or sedimentation of the receiving stream or other body of water, taking into consideration any anticipated development of the watershed in question.

Section 9 BORROW AND WASTE AREAS

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department of Human Resources, Division of Health Services, shall be considered as part of the land-disturbing activity

where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste these areas shall be considered a separate land-disturbing activity.

Section 10 ACCESS AND HAUL ROADS

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

Section 11 OPERATIONS IN LAKES OR NATURAL WATERCOURSES

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

Section 12 RESPONSIBILITY FOR MAINTENANCE

The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities, after site development is completed, shall lie with the landowner.

Section 13 GUIDELINES FOR EROSION AND SEDIMENT CONTROL PRACTICES

Until such time as the Commission can prepare and distribute reference materials dealing with sedimentation control techniques, persons engaged in planning, designing, installing, and maintaining sedimentation control measures may use generally accepted references on the subject from other sources, as well as generally accepted references for standard engineering and agricultural practices.

The Commission will publish and furnish upon request a list of acceptable references.

Section 14 ADDITIONAL MEASURES

Whenever the Commission, or a local government having jurisdiction, determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.

Section 15 EXISTING UNCOVERED AREAS

a. All uncovered areas existing on the effective date of these Rules and Regulations which resulted from land-disturbing activities and exceed one contiguous acre, and are subject to continued accelerated erosion, and are causing off-site damage from sedimentation shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

b. The Commission, or the local government having jurisdiction, shall serve upon the landowner, by certified mail, notice to comply. The notice shall set forth the measures needed to comply and shall state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving the notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits for compliance.

c. State agency erosion and sedimentation control programs, submitted to the Commission for approval and delegation of authority for administration of such programs in their jurisdiction, shall contain provisions for the treatment of existing exposed areas. Such provisions shall be consistent with existing technology and shall consider the quantity of work required and the economic feasibility.

d. This section shall not require ground cover be provided on cleared land forming the basin of a reservoir later to be inundated.

Section 16 PLAN REQUIREMENT

a. Whenever the area to be distributed comprises more than one acre, a copy of the plan shall be filed with the local government having jurisdiction, or the Commission if no local government has jurisdiction, 30-days prior to beginning any land-disturbing activity. A copy of the plans shall also be on file at the job site. If the Commission or local government determines, either upon review of such plan or on inspection of the job site, that a significant risk of off-site sedimentation exists, it will require a revised plan be prepared. Pending the preparation of the revised plan, the work shall be either suspended or continued under conditions outlined by the appropriate authority.

b. Erosion and sediment control plans, as required under Section 4.a, shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to describe adequately the proposed development of the site; the measures planned to meet the Basic Control Objectives of Section 5; and the requirements of Section 6, 7, and 8. Plan content may vary to meet the needs of specific site conditions. Detailed guidelines for plan preparation may be obtained from the Commission on request.

c. An amendment to a plan may be made at any time under the same procedure as followed for the original plan.

Section 17 APPROVAL OF PLANS

a. Commission Approval

(1) Plans are to be approved by the Commission for all land-disturbing activities over which the Commission, by statutes, has exclusive jurisdiction, including those

(a) conducted by the State,
(b) conducted by the United States,
(c) conducted by persons having the power of eminent domain,
(d) conducted by local governments,
(e) licensed by the State or the United States, or
(f) funded in whole or in part by the State or United States.

(2) The Commission may delegate jurisdiction, in whole or in part, to any other state agency that has submitted an erosion control program to be administered by it, if such program has been approved by the Commission as being in conformity with the general State program for land-disturbing activities.

(3) The Commission will, within 30 days of receipt of a plan, complete its review of such plan, and notify the person submitting the plan that it has been

(a) approved,
(b) approved with modifications,
(c) approved with performance reservations, or
(d) disapproved.

(4) The disapproval, modification, or performance reservations of any proposed plan, by the Commission, shall entitle the person submitting the plan to a public hearing before the Commission, if such person submits written demand for a hearing within 15 days after receipt of notification of disapproval, modification, or performance reservation. The hearing will be scheduled within 30-days of demand and will be conducted in Raleigh, Wake County, or in the city or county where the land-disturbing activity is located, as may be designated by the Commission. Judicial review of the final Commission action may be had in the Superior court of the County in which the hearing is held.

b. Local Government Approval

(1) The governing body of each local government administering an approved erosion and sedimentation control program shall develop and publish procedures for review of plans. Such procedures shall not be inconsistent with the applicable laws, ordinances, rules and regulations, and shall contain procedures for appeals consistent with the local government organization and operating procedures.

Section 18 COMPLIANCE WITH PLAN REQUIREMENTS

Any person engaged in land-disturbing activities who fails to file a plan in accordance with these rules and regulations, or who conducts a land-disturbing activity except in accordance with provisions of a plan shall be deemed in violation of these rules and regulations.

Section 19 INSPECTIONS AND INVESTIGATIONS

a. The Commission shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in the Sedimentation Pollution Control Act of 1973, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites or land-disturbing activities. No person shall refuse entry or access to any authorized representative or agent of the Commission who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representatives while in the process of carrying out his official duties.

b. The Commission shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

Section 20 PENALTIES

Civil and criminal penalties for violation of the Sedimentation Pollution Control Act of 1973 and these regulations as authorized by that Act are contained in GS113A-64.

Section 21 SEVERABILITY CLAUSE

If any of these rules and regulations are held to be invalid or unenforceable, all of the other rules and regulations shall nevertheless continue in full force and effect.

Section 22 EFFECTIVE DATE

These rules and regulations shall become effective on July 1, 1974 with the exception that specific provisions shall become effective in accordance with the following schedule:

a. The Mandatory Standards contained in GS113A-57 and reprinted in Section 6 became effective on July 1, 1973.

b. Section 15 pertaining to land-disturbing activities in progress or disturbed areas existing on July 1, 1974 which are causing off-site damage shall become effective on January 1, 1975.

c. Sections 4 a., 7, 16, and 17, pertaining to plan requirements and design criteria for control measures shall become effective March 1, 1975 for all proposed activities advertised for bid, let to contract, or on which work is undertaken on or after March 1, 1975.

d. Section 8 pertaining to permanent downstream protection of stream banks and channels shall become effective by order of the Commission after completion and evaluation of additional engineering studies. Any such order will be issued six months prior to the effective date, but not later than January 1, 1977.

e. Local governments adopting a local ordinance for approval by the Commission shall include therein a proposed schedule for implementing the ordinance.

This is to certify that this is a true copy of the Rules and Regulations which were duly adopted by the North Carolina Sedimentation Control Commission pursuant to the provisions of the Sedimentation Pollution Control Act of 1973 on the 10th day of April, 1974.

ZONING

Chapter 160A.
Cities and Towns.

Article 19.
Planning and Regulation of Development.

Part 3. Zoning.

§ 160A-381. Grant of power.—For the purpose of promoting health, safety, morals, or the general welfare of the community, any city is hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. These regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The regulations may also provide that the board of adjustment or the city council may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities. (1923, c. 250, s. 1; C. S., s. 2776(r); 1967, c. 1208, s. 1; 1971, c. 698, s. 1.)

§ 160A-382. Districts.—For any or all these purposes, the city may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this Article; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts. (1923, c. 250, s. 2; C. S., s. 2776(s); 1931, c. 176, s. 1; 1933, c. 7; 1963, c. 1058, s. 1; 1971, c. 698, s. 1.)

§ 160A-383. Purposes in view.—Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city. (1923, c. 250, s. 3; C. S., s. 2776(t); 1971, c. 698, s. 1.)

§ 160A-384. Method of procedure.—The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time

to time amended, supplemented or changed, in accordance with the provisions of this Article. (1923, c. 250, s. 4; C. S., s. 2776(u); 1927, c. 90; 1971, c. 698, s. 1.)

§ 160A-385. **Changes.**—Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three fourths of all the members of the city council. (1923, c. 250, s. 5; C. S., s. 2776(v); 1959, c. 434, s. 1; 1965, c. 864, s. 1; 1971, c. 698, s. 1.)

§ 160A-386. **Protest petition; form; requirements; time for filing.**—No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The city council may by ordinance require that all protest petitions be on a form prescribed and furnished by the city, and such form may prescribe any reasonable information deemed necessary to permit the city to determine the sufficiency and accuracy of the petition. (1963, c. 1058, s. 2; 1971, c. 698, s. 1.)

§ 160A-387. **Planning agency; zoning plan; certification to city council.** — In order to exercise the powers conferred by this Part, a city council shall create or designate a planning agency under the provisions of this Article or of a special act of the General Assembly. The planning agency shall prepare a zoning plan, including both the full text of a zoning ordinance and maps showing proposed district boundaries. The planning agency may hold public hearings in the course of preparing the plan. Upon completion, the planning agency shall certify the plan to the city council. The city council shall not hold its required public hearing or take action until it has received a certified plan from the planning agency. Following its required public hearing, the city council may refer the plan back to the planning agency for any further recommendations that the agency may wish to make prior to final action by the city council in adopting, modifying and adopting, or rejecting the ordinance. (1923, c. 250, s. 6; C. S., s. 2776(w); 1967, c. 1208, s. 2; 1971, c. 698, s. 1; 1975, c. 426, s. 60.)

§ 160A-388. **Board of adjustment.**—(a) The city council may provide for the appointment and compensation of a board of adjustment consisting of five members, each to be appointed for three years. In appointing the original members of such board, or in the filling of vacancies caused by the expiration of the terms of existing members, the council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The council may, in its discretion, appoint and provide compensation for alternate members to serve on the board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(b) The board of adjustment shall hear and decide appeals from and review

any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Part. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the city. Appeals shall be taken within times prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the board shall have all the powers of the officer from whom the appeal is taken.

(c) The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all matters referred to it or upon which it is required to pass under any zoning ordinance.

(d) When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of the ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(e) The concurring vote of four fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Article, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. Every decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari.

(f) The chairman of the board of adjustment or any member temporarily acting as chairman, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board. (1923, c. 250, s. 7; C. S., s. 2776(x); 1929, c. 94, s. 1; 1947, c. 311; 1949, c. 979, ss. 1, 2; 1963, c. 1058, s. 3; 1965, c. 864, s. 2; 1967, c. 197, s. 1; 1971, c. 698, s. 1.)

§ 160A-389. **Remedies.**—If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Part or of any ordinance or other regulation made under authority conferred thereby, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. (1923, c. 250, s. 8; C. S., s. 2776(y); 1971, c. 698, s. 1.)

§ 160A-390. **Conflict with other laws.**—When regulations made under authority of this Part require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, regulations made under authority of this Part shall govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Part, the provisions of that statute or local ordinance or regulation shall govern. (1923, c. 250, s. 9; C. S., s. 2776(z); 1971, c. 698, s. 1.)

§ 160A-391. **Other statutes not repealed.**—This Part shall not repeal any zoning act or city planning act, local or general, now in force, except those that are repugnant to or inconsistent herewith. This Part shall be construed to be an enlargement of the duties, powers, and authority contained in other laws authorizing the appointment and proper functioning of city planning commissions or zoning commissions by any city or town in the State of North Carolina. (1923, c. 250, s. 11; C. S., s. 2776(aa); 1971, c. 698, s. 1.)

§ 160A-392. **Part applicable to buildings constructed by State and its subdivisions.**—All of the provisions of this Part are hereby made applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions. (1951, c. 1203, s. 1; 1971, c. 698, s. 1.)

APPENDIX E

SUBDIVISION REGULATION

Chapter 160A.
Cities and Towns.

Article 19.
Planning and Regulation of Development.

Part 2. Subdivision Regulation.

§ 160A-371. Subdivision regulation.—A city may by ordinance regulate the subdivision of land within its territorial jurisdiction. (1955, c. 1334, s. 1; 1971, c. 698, s. 1.)

§ 160A-372. Contents and requirements of ordinance. — A subdivision control ordinance may provide for the orderly growth and development of the city; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision, and rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal policies and standards and, to assure compliance with these requirements, the ordinance may provide for the posting of bond or any other method that will offer guarantee of compliance.

The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the subdivision shall not be approved without such reservation. The board of education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

The ordinance may require that a plat be prepared, approved, and recorded pursuant to its provisions whenever any subdivision of land takes place. (1955, c. 1334, s. 1; 1961, c. 1168; 1971, c. 698, s. 1; 1973, c. 426, s. 59.)

§ 160A-373. **Ordinance to contain procedure for plat approval; approval prerequisite to plat recordation; statement by owner.** — Any subdivision ordinance adopted pursuant to this Part shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat prior to its registration.

The ordinance may provide that final approval of each individual subdivision plat is to be given by

(1) The city council,

(2) The city council on recommendation of a planning agency, or

(3) A designated planning agency.

From and after the time that a subdivision ordinance is filed with the register of deeds of the county, no subdivision plat of land within the city's jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the appropriate agency, as specified in the subdivision ordinance, and until this approval shall have been entered on the face of the plat in writing by the chairman or head of the agency. The register of deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of a city that has not been approved in accordance with these provisions, nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this section. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of any city. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 60.)

§ 160A-374. **Effect of plat approval on dedications.**—The approval of a plat shall not be deemed to constitute or effect the acceptance by the city or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any city council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision-regulation jurisdiction but outside the corporate limits of a city shall not place on the city any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and a city shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. (1955, c. 1334, s. 1; 1971, c. 698, s. 1.)

§ 160A-375. **Penalties for transferring lots in unapproved subdivisions.**—If a city adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city, through its attorney or other official designated by the council, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. (1955, c. 1334, s. 1; 1971, c. 698, s. 1.)

§ 160A-376. **Definition.** — For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 61.)

[For special acts governing subdivision regulation by particular municipalities, see Sess. Laws, 1947, c. 677, as amended by Sess. Laws, 1953, c. 777 (Winston-Salem); Sess. Laws, 1949, c. 369 (Durham and Reidsville), c. 882 (Guilford County); Sess. Laws, 1953, c. 504 (Lexington), c. 525 (Newton), c. 783 (Conover), c. 939 (Thomasville); Sess. Laws, 1955, c. 124, as amended by Sess. Laws, 1959, c. 113 (Charlotte), c. 880 (Jacksonville), c. 921 (Raleigh), c. 924 (Conover), c. 939 (Chapel Hill); Sess. Laws, 1957, c. 127 (Elkin), c. 726 (Carrboro and Chapel Hill), c. 812 (Salisbury); Sess. Laws, 1961, c. 983 (Laurinburg), c. 1211 (Fayetteville); Sess. Laws, 1963, c. 120 (Mount Airy), c. 896 (municipalities in Harnett County); c. 1153 (Durham), c. 477 (Hickory); Sess. Laws, 1965, c. 959 (Wallace); Sess. Laws, 1967, c. 357 (Selma and Smithfield); Sess. Laws, 1969, c. 364 (Lake Waccamaw).]

Chapter 39.
Conveyances.

Article 5.
Sale of Building Lots in North Carolina.

§ **39-28. Application for permit to sell.**—After March 9, 1927, before a building lot or lots in a new subdivision of real estate is offered for sale or sold in North Carolina wherein it is represented or agreed that streets, sidewalks, water, sewer, lights or other improvements are to be made for the benefit of the purchaser or purchasers, the persons, firm or corporation desiring to offer the same for sale shall first apply to the clerk of the superior court of the county wherein the building lot or lots are situated for a permit to so sell said lots. (1927, c. 210, s. 1.)

§ **39-29. Contents of application.**—The application for a permit to sell must state the location of the lots or lot with an estimate of the cost of the improvement proposed to be made on each lot as a whole; the estimate of cost so made shall be certified as approximately correct by a civil engineer or county surveyor licensed to practice in the State of North Carolina. (1927, c. 210, s. 2.)

§ **39-30. Investigation by clerk; bond.**—Upon the filing of said application and the certificate of the cost of the improvement, the clerk of the court shall satisfy himself that the land or lots are located in his county and he shall also satisfy himself of the genuineness of the application and certificate of the engineer or county surveyor, and shall, if so satisfied, require a good and sufficient bond, in a sum equal to the amount certified by the engineer or county surveyor as the approximate cost of the improvement or improvements, with a corporation licensed to do business in the State of North Carolina as surety thereon, conditioned to save the purchaser or purchasers of each lot or lots harmless to the amount of the estimated and certified cost of the proposed improvement on each lot or lots so purchased. (1927, c. 210, s. 3.)

§ 39-31. **Application, certificate, bond and order filed as permanent record.**—The clerk of the superior court shall preserve the application, certificate and bond and his orders thereon as a permanent record for the benefit of any party whose rights are affected thereby and shall, when the provisions of this article have been fully complied with, and when a filing fee of one dollar has been paid, issue a permit to the applicant to sell said lot or lots. (1927, c. 210, s. 4.)

§ 39-32. **Penalty for violation.**—Any person, firm or corporation selling or offering for sale any building lot or lots in violation of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court. (1927, c. 210, s. 5.)

Article 5A.
Control Corners in Real Estate Developments.

§ 39-32.1. **Requirement of permanent markers as "control corners".**—Whenever any person, firm or corporation shall hereafter divide any parcel of real estate into lots and lay off streets through such real estate development and sell or offer for sale any lot or lots in such real estate development, it shall be the duty of such person, firm or corporation to cause one or more corners of such development to be designated as "control corner" and shall cause two or more street center lines or offset lines within or on the street right-of-way lines to be permanently monumented at intersecting center lines or offset lines, points of curvature or such other control points, which monuments shall also be designated as control corners and to affix or place at such control corner or corners permanent markers which shall be of such material and affixed to the earth in such a manner as to insure as great a degree of permanence as is reasonably practical. (1947, c. 816, s. 1; 1959, c. 1159.)

§ 39-32.2. **Control corners fixed at time of recording plat or prior to sale.**—Such control corner or corners, as described in § 39-32.1, and such permanent marker or markers, as described in § 39-32.1, must be designated and affixed at the time of recording the plat of said land or prior to the first sale of any lot or lots constituting a part of the real estate development which said person, firm or corporation has caused to be laid off in lots with designated streets. (1947, c. 816, s. 2.)

§ 39-32.3. **Recordation of plat showing control corners.**—Upon designating a control corner and affixing a permanent marker, said person, firm or corporation shall cause to be filed in the office of the register of deeds of the county in which the real estate development is located a map or plat showing the location of the control corner or corners and permanent marker or markers with adequate and sufficient description to enable a surveyor to locate such control corner or marker. The register of deeds shall not accept for registration or record any map or plat of a real estate subdivision or development made after the effective date of this article, unless the location of such control corner or corners is shown thereon. (1947, c. 816, s. 3.)

§ 39-32.4. **Description of land by reference to control corner; use of control corner to fix distances and boundaries prima facie evidence of correct method.**—Any lot or lots sold or otherwise transferred at the time of or subsequent to the establishment of a control corner may be described in any conveyance so as to include a reference to the location of said lot or lots which are being conveyed with respect to the control corner. Thereafter the use of the control corner in ascertaining distances so as to establish boundary lines of lots within or originally within such real estate development may be admissible as evidence in any court and shall be prima facie evidence of the correct method of determin-

ing the boundaries of any lot or lots within any such real estate development. (1947, c. 816, s. 4.)

Chapter 47.
Probate and Registration.

§ 47-30. Plats and subdivisions; mapping requirements. — (a) Size Requirements.—All land maps presented to the register of deeds for recording in the registry of a county in North Carolina after January 1, 1960, shall have an outside marginal size of not more than twenty-one inches by thirty inches nor less than eight and one-half inches by eleven inches, including one and one-half inches for binding on the left margin and one-half inch border on each of the other sides. Where size of land areas, or suitable scale to assure legibility require, maps may be placed on two or more sheets with appropriate match lines. All counties currently operating under statutes or other laws setting forth regulatory size will be allowed to continue to use such sizes as are currently in use until June 30, 1963, on or before which time they shall modify their size to conform to those shown above.

(b) Maps to Be Reproducible.—Each map presented for recording shall be a reproducible map in cloth, linen, film or other permanent material and submitted in this form. Recorded maps shall be maintained in map files, unless the filing officer makes a permanent master copy thereof by a process from which a direct copy can be made, in which event the original map may be returned to the person offering it for recordation after it has been properly recorded and indexed. A direct or photographic copy of each recorded map shall be placed in the map book maintained for that purpose and properly indexed for use. All filing officers are authorized to make permanent master copies of maps that have been recorded and filed before July 1, 1971, and may return the originals to the person offering them for recordation.

(c) Information Contained in Title of Map.—The title of each map shall contain the following information: Property designation, name of owner, location to include township, county and State, the date or dates the survey was made; scale in feet per inch in words or figures and bar graph; name, address, registration number and seal of engineer or surveyor.

(d) Certificate; Form.—There shall appear on each map a certificate by the person making the survey, or on each map where no survey was made, or a certificate by the person under whose supervision such survey or such map was made, stating the origin of the information shown on the map, including deeds and any recorded data shown thereon. If a complete survey was made, the error of closure as calculated by latitudes and departures must be shown. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the person preparing the map. All maps to be recorded shall be probated as required by law for the registration of deeds.

The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the map, and shall be in substantially the following form: "I ....., certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book ..... page ....., Book ....., page....., etc.) (other); that the error of closure as calculated by latitudes and departures is 1: .....; that the boundaries not surveyed are shown as broken lines plotted from information found in Book ....., page.....; that this map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this .... day of ....., A. D., 19.....

.....
Surveyor or Engineer"

Failure of the surveyor to comply with the requirements of this statute shall not preclude recordation provided that the officer accepting the map for recordation shall require the presence on the map of the surveyor's seal and the surveyor's certificate of acknowledgment.

(e) Showing Method of Computation.—If area of land parcels is shown, the method of computation used by the surveyor must be shown. Area "by estimation" is not acceptable, nor is the area copied from another source.

(f) Map to Contain Specific Information. — Every map shall contain the following specific information:

(1) An accurately positioned north arrow coordinated with any bearings shown on the map. Indication shall be made as to whether the north index is true, magnetic or grid.

(2) The azimuth or courses and distances as surveyed of every line shall be shown including offset lines where actually used in the field. Distances shall be in feet and decimals thereof; other units of measure may be placed in parentheses if desired.

(3) All map lines shall be by horizontal (level) measurements. All information shown on the map shall be correctly plotted to the scale shown. Enlargement of portions of a map are acceptable in the interest of clarity, where shown as inserts on the same sheet.

(4) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature of the curve to the point of tangent shall be shown as standard curve data, or as a traverse of chords around the curve.

(5) Where a subdivision of land is set out on the map, all streets and lots shall be carefully plotted with dimension lines indicating widths and all other pertinent information necessary to reestablish in the field.

(6) Where control corners have been established in compliance with G.S. 39-32.1, 39-32.2, 39-32.3 and 39-32.4, as amended, the location and pertinent information as required in the reference statute shall be plotted on the map. All other corners which are marked by monument or natural object shall be so identified on all maps, and all corners of adjacent owners in the boundary lines of the subject tract which are marked by monument or natural object must be shown with a distance from one or more of the subject tract's corners.

(7) The names of adjacent landowners and lot block and subdivision designations shall be shown where they have been determined and verified by the surveyor.

(8) All visible and apparent rights-of-way, watercourses, utilities roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown, and locating, offset or traverse lines shall be plotted in broken lines with azimuths or courses and distances shown on the map.

(9) Where the map is the result of a survey, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to a monument of some United States or State Agency Survey System, such as the United States Coast and Geodetic Survey Systems, where such monument is within 2,000 feet of said corner. Where the North Carolina Grid System coordinates of said monument have been published by the North Carolina Department of Natural and Economic Resources, the coordinates of the referenced corner shall be computed and shown in X and Y ordinates on the map. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable point.

(g) Recording of Map.—A map, when proven and probated as provided herein as deeds and other conveyances, when presented for recording, shall be recorded in the Map Book and when so recorded shall be duly indexed. Reference in any instrument hereafter executed to the record of any map herein authorized shall have the same effect as if the description of the lands as indicated on the record of the map were set out in the instrument.

(h) Nothing in this section shall be deemed to prevent the recording of any map made prior to January 1, 1960.

(i) Nothing in this section shall be deemed to invalidate any instrument or the title thereby conveyed making reference to any recorded map.

(j) The provisions of this section shall not apply to boundary maps of areas annexed by municipalities nor to maps of municipal boundaries, whether or not required by law to be recorded.

(k) The provisions of this section shall not apply to the following counties: Alexander, Alleghany, Anson, Ashe, Beaufort, Brunswick, Camden, Caswell, Cherokee, Clay, Franklin, Granville, Greene, Harnett, Hertford, Hoke, Hyde, Jackson, Jones, Lee, Lenoir, Lincoln, McDowell, Martin, Mitchell, Northampton, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Richmond, Robeson, Sampson, Scotland, Surry, Swain, Tyrrell, Vance, Warren, Washington, Watauga and Yadkin.

(l) The provisions of this section shall not apply to the registration of highway right-of-way plans provided for in G.S. 136-19.4. (1911, c. 55, s. 2; C. S., s. 3318; 1923, c. 105; 1935, c. 219; 1941, c. 249; 1953, c. 47, s. 1; 1959, c. 1235, ss. 1, 3A, 3.1; 1961, cc. 7, 111, 164, 199, 252, 660, 687, 932, 1122; 1963, c. 71, ss. 1, 2; cc. 180, 236; c. 361, s. 1; c. 403; 1965, c. 139, s. 1; 1967, c. 228, s. 2; c. 394; 1971, c. 658; 1973, cc. 76, 848, 1171; c. 1262, s. 86.)

§ 47-30.1. Plats and subdivisions; alternative requirements.—In a county to which the provisions of G.S. 47-30 do not apply, any person, firm or corporation owning land may have a plat thereof recorded in the office of the register of deeds if such land or any part thereof is situated in the county, upon proof upon oath by the surveyor making such plat or under whose supervision such plat was made that the same is in all respects correct according to the best of his knowledge and belief and was prepared from an actual survey by him made, or made under his supervision, giving the date of such survey, or if the surveyor making such plat is dead, or where land has been sold and conveyed according to an unrecorded plat, upon the oath of a duly licensed surveyor that said map is in all respects correct according to the best of his knowledge and belief and that the same was actually and fully checked and verified by him, giving the date on which the same was verified and checked. (1961, c. 534, s. 1; c. 985.)

Local Modification. — Avery: 1973, c. 1050.

§ 47-32.2. Violation of § 47-30 or 47-32 a misdemeanor. — Any person, firm or corporation wilfully violating the provisions of § 47-30 or 47-32 shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

The provisions of this section shall not apply to the following counties: Alexander, Alleghany, Ashe, Beaufort, Brunswick, Camden, Caswell, Cherokee, Clay, Franklin, Granville, Greene, Harnett, Hertford, Hoke, Hyde, Jackson, Jones, Lee, Lenoir, Lincoln, Madison, Martin, Northampton, Pamlico, Pasquotank, Pender, Person, Pitt, Richmond, Robeson, Rockingham, Sampson, Scotland, Surry, Swain, Tyrrell, Vance, Warren, Washington, Watauga and Yadkin. (1959, c. 1235, ss. 3, 3A, 3.1; 1961, cc. 7, 111, 164, 252; c. 535, s. 1; cc. 687, 932, 1122; 1963, c. 236; c. 361, s. 3; 1965, c. 139, s. 3.)

BUILDING INSPECTION

Chapter 160A.
Cities and Towns.

Article 19.
Planning and Regulation of Development.

Part 5. Building Inspection.

§ 160A-411. **Inspection department.**—Every city in the State is hereby authorized to create an inspection department, and shall appoint one or more inspectors who may be given the titles of building inspector, electrical inspector, plumbing inspector, housing inspector, zoning inspector, heating and air-conditioning inspector, fire prevention inspector, or deputy or assistant inspector, or such other titles as may be generally descriptive of the duties assigned. The department may be headed by a superintendent or director of inspections. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-412. **Duties and responsibilities.**—The duties and responsibilities of an inspection department and of the inspectors therein shall be to enforce within their territorial jurisdiction State and local laws relating to

(1) The construction of buildings and other structures;
(2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems;
(3) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition;
(4) Other matters that may be specified by the city council.

These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. The city council shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-413. **Joint inspection department; other arrangements.** — A city council may enter into and carry out contracts with another city, county, or combination thereof under which the parties agree to create and support a joint inspection department for the enforcement of State and local laws specified in the agreement. The governing boards of the contracting parties are authorized to make any necessary appropriations for this purpose.

In lieu of a joint inspection department, a city council may designate an inspector from any other city or county to serve as a member of its inspection department with the approval of the governing body of the other city or county. The inspector shall, while exercising the duties of the position, be considered a municipal employee.

The city council of any city may request the board of county commissioners of the county in which the city is located to direct one or more county building inspectors to exercise their powers within part or all of the city's jurisdiction, and they shall thereupon be empowered to do so until the city council officially withdraws its request in the manner provided in G.S. 160A-360(g). (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 64.)

§ 160A-414. **Financial support.**—The city council may appropriate for the support of the inspection department any funds that it deems necessary. It may provide for paying inspectors fixed salaries or it may reimburse them for their services by paying over part or all of any fees collected. It shall have power to fix reasonable fees for issuance of permits, inspections, and other services of the inspection department. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-415. **Conflicts of interest.**—No member of an inspection department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the city's jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of the building. No member of an inspection department shall engage in any work that is inconsistent with his duties or with the interest of the city. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-416. **Failure to perform duties.**—If any member of an inspection department shall willfully fail to perform the duties required of him by law, or willfully shall improperly issue a permit, or shall give a certificate of compliance without first making the inspections required by law, or willfully shall improperly give a certificate of compliance, he shall be guilty of a misdemeanor. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-417. **Permits.** — No person shall commence or proceed with

(1) The construction, reconstruction, alteration, repair, removal, or demolition of any building or structure,

(2) The installation, extension, or general repair of any plumbing system,

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system, or

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment,

without first securing from the inspection department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other State or local laws applicable to the work. A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor. Violation of this section shall constitute a misdemeanor. (1905, c. 506, s. 26; Rev., s. 2986; 1915, c. 192, s. 3; C. S., s. 2748; 1957, c. 817; 1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 65.)

§ 160A-418. **Time limitations on validity of permits.**—A permit issued pursuant to G.S. 160A-417 shall expire by limitation six months, or any lesser time fixed by ordinance of the city council, after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-419. **Changes in work.**—After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written

approval of proposed changes or deviations has been obtained from the inspection department. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-420. Inspections of work in progress.—As the work pursuant to a permit progresses, local inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable State and local laws and of the terms of the permit. In exercising this power, members of the inspection department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-421. Stop orders.—Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any State or local building law, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order to the North Carolina Commissioner of Insurance within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance, with a copy to the local inspector. The Commissioner of Insurance shall promptly conduct a hearing at which the appellant and the inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible. Pending the ruling by the Commissioner of Insurance on an appeal no further work shall take place in violation of a stop order. Violation of a stop order shall constitute a misdemeanor. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-422. Revocation of permits.—The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-423. Certificates of compliance. — At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he finds that the completed work complies with all applicable State and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the inspection department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a misdemeanor. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 66.)

§ 160A-424. Periodic inspections.—The inspection department shall make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in structures within its territorial jurisdiction. In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ **160A-425. Defects in buildings to be corrected.** — When a local inspector finds any defects in a building, or finds that the building has not been constructed in accordance with the applicable State and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property he owns. (1905, c. 506, s. 28; Rev., s. 3009; 1915, c. 192, s. 14; C. S., s. 2771; 1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 67.)

§ **160A-426. Unsafe buildings condemned.**—Every building which shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building. (1905, c. 506, s. 15; Rev., s. 3010; 1915, c. 192, s. 15; C. S., s. 2773; 1929, c. 199, s. 1; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ **160A-427. Removing notice from condemned building.**—If any person shall remove any notice that has been affixed to any building or structure by a local inspector of any municipality and that states the dangerous character of the building or structure, he shall be guilty of a misdemeanor. (1905, c. 506, s. 15; Rev., s. 3799; C. S., s. 2775; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ **160A-428. Action in event of failure to take corrective action.**—If the owner of a building or structure that has been condemned as unsafe pursuant to G.S. 160A-426 shall fail to take prompt corrective action, the local inspector shall give him written notice, by certified or registered mail to his last known address or by personal service,

(1) That the building or structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property;

(2) That a hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one week prior to the hearing. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ **160A-429. Order to take corrective action.** — If, upon a hearing held pursuant to the notice prescribed in G.S. 160A-428, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than 60 days, as the inspector may prescribe (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 68.)

§ **160A-430. Appeal; finality of order if not appealed.** — Any owner who has received an order under G.S. 160A-429 may appeal from the order to the

city council by giving notice of appeal in writing to the inspector and to the city clerk within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector shall be final. The city council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 69.)

§ 160A-431. **Failure to comply with order.**—If the owner of a building or structure fails to comply with an order issued pursuant to G.S. 160A-429 from which no appeal has been taken, or fails to comply with an order of the city council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court. (1905, c. 506, s. 15; Rev., s. 3802; 1915, c. 192, s. 19; C. S., s. 2774; 1929, c. 199, s. 2; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-432. **Equitable enforcement.**—Whenever any violation is denominated a misdemeanor under the provisions of this Part, the city, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-433. **Records and reports.**—The inspection department shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of the department. Periodic reports shall be submitted to the city council and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require. (1905, c. 506, ss. 30, 31; Rev., ss. 3004, 3005; 1915, c. 192, s. 12; C. S., ss. 2766, 2767; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-434. **Appeals in general.**—Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the State Building Code or other State building laws shall be taken to the Commissioner of Insurance or other official specified in G.S. 143-139, by filing a written notice with him and with the inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-435. **Establishment of fire limits.**—The city council of every incorporated city shall pass one or more ordinances establishing and defining fire limits, which shall include the principal business portions of the city and which shall be known as primary fire limits. In addition, the council may, in its discretion, establish and define one or more separate areas within the city as secondary fire limits. (1905, c. 506, s. 7; Rev., s. 2985; 1917, c. 136, sub-ch. 8, s. 2; C. S., ss. 2746, 2802; 1961, c. 240; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-436. **Restrictions within primary fire limits.**—Within the primary fire limits of any city, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved (either into the limits or from one place to another within the limits), except upon the permit of the local inspection department approved by the Commissioner of Insurance. The city council may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits. (1905, c. 506, s. 8; Rev., s. 2988; 1915, c. 192, s. 5; C. S., s. 2750; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-437. **Restriction within secondary fire limits.**—Within any secondary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved except in accordance with any rules and regulations established by ordinance of the areas. (1905, c. 506, s. 8; Rev., s. 2988; 1915, c. 192, s. 5; C. S., s. 2750; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

§ 160A-438. Failure to establish primary fire limits.—If the council of any city shall fail or refuse to establish and define the primary fire limits of the city as required by law, after having such failure or refusal called to their attention in writing by the State Commissioner of Insurance, the Commissioner shall have the power to establish the limits upon making a determination that they are necessary and in the public interest. (1905, c. 506, s. 7; Rev., s. 3608; C. S., s. 2747; 1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

APPENDIX G

MINIMUM HOUSING STANDARDS

Chapter 160A.
Cities and Towns.

Article 19

Planning and Regulation of Development.

Part 6. Minimum Housing Standards.

§ 160A-441. Exercise of police power authorized. — It is hereby found and declared that the existence and occupation of dwellings in this State that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of this State, and that a public necessity exists for the repair, closing or demolition of such dwellings. Whenever any city or county of this State finds that there exists in the city or county dwellings that are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the city or county, power is hereby conferred upon the city or county to exercise its police powers to repair, close or demolish the dwellings in the manner herein provided. No ordinance enacted by the governing body of a county pursuant to this Part shall be applicable within the corporate limits of any city unless the city council of the city has by resolution expressly given its approval thereto. (1939, c. 287, s. 1; 1969, c. 913, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 60.)

§ 160A-442. Definitions.—The following terms shall have the meanings whenever used or referred to as indicated when used in this Part unless a different meaning clearly appears from the context:

(1) "City" means any incorporated city or any county.

(2) "Dwelling" means any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(3) "Governing body" means the council, board of commissioners, or other legislative body, charged with governing a city or county.

(4) "Owner" means the holder of the title in fee simple and every mortgagee of record.

(5) "Parties in interest" means all individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

(6) "Public authority" means any housing authority or any officer who is in charge of any department or branch of the government of the city, county, or State relating to health, fire, building regulations, or other activities concerning dwellings in the city.

(7) "Public officer" means the officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by the ordinances and by this Part. (1939, c. 287, s. 2; 1941, c. 140; 1953, c. 675, s. 29; 1961, c. 398, s. 1; 1969, c. 913, s. 2; 1971, c. 698, s. 1; 1973, c 426, s. 60.)

§ 160A-443. Ordinance authorized as to repair, closing and demolition; order of public officer. — Upon the adoption of an

ordinance finding that dwelling conditions of the character described in G.S. 160A-441 exist within a city; the governing body of the city is hereby authorized to adopt and enforce ordinances relating to dwellings within the city's territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

(1) That a public officer be designated or appointed to exercise the powers prescribed by the ordinance.

(2) That whenever a petition is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place within the county in which the property is located fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(3) That if, after notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order,

a. If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

b. If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the city may fix a certain percentage of this value as being reasonable), requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(1973, c. 426, s. 70.)

(4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(5) That, if the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in subdivisions (4) and (5) shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the public officer shall have found to be unfit for human habitation and which property or properties

shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(6) That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of this Chapter. If the dwelling is removed or demolished by the public officer, he shall sell the materials of the dwelling and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise. (1939, c. 287, s. 3; 1969, c. 868, ss. 1, 2; c. 1065, s. 2; 1971, c. 698, s. 1.)

§ 160A-444. Standards. — An ordinance adopted by a city under this Part shall provide that the public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city. Defective conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. The ordinances may provide additional standards to guide the public officers, or his agents, in determining the fitness of a dwelling for human habitation. (1939, c. 287, s. 4; 1971, c. 698, s. 1; 1973, c. 426, s. 60.)

§ 160A-445. Service of complaints and orders. — Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered or certified mail. If the whereabouts of persons is unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer makes an affidavit to that effect, then the serving of the complaint or order upon the persons may be made by publication in the manner prescribed in the Rules of Civil Procedure. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected. (1939, c. 287, s. 5; 1965, c. 1055; 1969, c. 868, ss. 3, 4; 1971, c. 698, s. 1; 1973, c. 426, s. 60.)

§ 160A-446. Remedies.—(a) The governing body may provide for the creation and organization of a housing appeals board to which appeals may be taken from any decision or order of the public officer, or may provide for such appeals to be heard and determined by its zoning board of adjustment.

(b) The housing appeals board, if created, shall consist of five members to serve for three-year staggered terms. It shall have the power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt other rules and regulations for the proper discharge of its duties. It shall keep an accurate record of all its proceedings.

(c) An appeal from any decision or order of the public officer may be taken by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the public officer shall be taken within 10 days from the rendering of the decision or service of the order by filing with the public officer and with the board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the public officer certifies to the board, after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the board, or by a court of record upon petition made pursuant to subsection (f) of this section.

(d) The appeals board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the public officer, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the public officer. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(e) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(f) Any person aggrieved by an order issued by the public officer or a decision rendered by the board may petition the superior court for an injunction restraining the public officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the public officer pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(g) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Part or of any ordinance or code adopted under authority of this Part or any valid order or decision of the public officer or board made pursuant to any ordinance or code adopted under authority of this Part, the public officer or board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling. (1939, c. 287, s. 6; c. 386; 1969, c. 868, s. 5; 1971, c. 698, s. 1.)

§ 160A-447. Compensation to owners of condemned property. — Nothing in this Part shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State, nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State. (1939, c. 386; 1943, c. 196; 1971, c. 698, s. 1.)

§ 160A-448. Additional powers of public officer. — An ordinance adopted by the governing body of the city may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this Part, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitations;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of officers, agents and employees necessary to carry out the purposes of the ordinances; and

(5) To delegate any of his functions and powers under the ordinance to other officers and other agents. (1939, c. 287, s. 7; 1971, c. 698, s. 1; 1973, c. 426, s. 60.)

§ 160A-449. Administration of ordinance.—The governing body of any city adopting an ordinance under this Part shall, as soon as possible thereafter, prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in the city for the purpose of determining the fitness of dwellings for human habitation, and for the enforcement and administration of its ordinances adopted under this Part. The city is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of the ordinances. (1939, c. 287, s. 8; 1971, c. 698, s. 1.)

§ 160A-450. Supplemental nature of Part.—Nothing in this Part shall be construed to abrogate or impair the powers of the courts or of any department of any city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Part shall be in addition and supplemental to the powers conferred by any other law. (1939, c. 287, s. 9; 1971, c. 698, s. 1.)

APPENDIX H

HOUSING DATA

COUNT OF OCCUPIED UNITS
BY NUMBER OF PERSONS IN UNIT

1 Person	41
2 Persons	80
3 Persons	25
4 Persons	24
5 Persons	7
6 Persons	4
7 Persons	1
8 Persons or More	2

This is a tool for determining overcrowded housing conditions.* Since the median number of rooms in the Town is almost five, those units with six or more people may be considered overcrowded. In 1970, 3.8 percent of the occupied housing units were possibly overcrowded.

TOTAL OCCUPIED HOUSING UNITS LACKING ONE OR MORE PLUMBING FACILITIES (1970)	13 (7%)

COUNT OF OCCUPIED UNITS BY OVERCROWDEDNESS (1970)*

Total Occupied with 1 Person Per Room or Less	173
Total Occupied with 1 to 1.5 People Per Room	4
Total Occupied with 1.51 or More People Per Room	7
Rate of Overcrowdedness	5.9%

*Over 1 person per room is considered crowded.

ENVIRONMENTAL CONSIDERATIONS

Pursuant to the requirements of and guidelines established by the National Environmental Policy Act, the Council on Environmental Quality, the U. S. Department of Housing and Urban Development and the North Carolina Environmental Policy Act, the following is a summary of environmental considerations regarding the recommendations and conclusions in this document.

Abstract

This document analyzes the environmental and socio-economic characteristics of the Town of Lake Lure. The most desirable arrangement for future land uses are based upon the foregoing and an analysis of present land uses and potential. Land use development policies, location requirements and a generalized land development plan are presented. The land development plan is for a twenty year period.

Environmental Impact

The conclusions and recommendations, if implemented, should have some localized, short-term negative effects, but overall should have a long-term beneficial effect on the environment.

Adverse Environmental Effects

Some localized, short-term effects resulting primarily from construction of facilities.

Alternatives

The alternative to this growth and development strategy is uncontrolled growth and development.

Relationship of Short-Term to Long-Term Effects on the Environment

The conclusions and recommendations in this document, which identify both short-term and long-term needs are intended to present immediate courses of action whose environmental consequences will be in harmony with the longer-range recommendations.

Mitigation Measures to Minimize Impact

Specific measures cannot be determined until this document is endorsed and implementation begins.

Irreversible Commitments of Resources

Specific irreversible commitments cannot be determined until this document is endorsed and implementation begins.

Federal, State and Local Environmental Controls

All existing federal, state and local environmental controls are applicable.

Historical Preservation

There are no historic sites so designated by appropriate State or Federal authorities within the corporate limits of Lake Lure. There are no sites within the Town's corporate limits presently being considered for preservation based on their historical value, and no candidates for such preservation have been proposed for such preservation by Federal, State or local authorities.

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